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Secrétariat d'État  
du Canada

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# INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

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SEVENTH REPORT OF CANADA

July 1985



Canada



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INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS  
OF RACIAL DISCRIMINATION

Seventh Report of Canada

July 1985



## F O R E W O R D

This report was submitted to the Secretary-General of the United Nations in August 1985. It is published so that it can be made available to interested groups and individuals.

The publication of the report will give readers the opportunity to increase their understanding of the obligations undertaken by Canada through its ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and of the measures adopted in Canada to ensure its implementation.

Copies of the report, in Canada's two official languages, may be obtained from the Communications Branch or the Human Rights Directorate of the Department of the Secretary of State in Ottawa, or at any regional or local office of the Department throughout Canada. Copies of previous reports on the same Convention are also available at the Human Rights Directorate of the Department of the Secretary of State in Ottawa. These reports are distributed free of charge.

This edition of the report reflects minor editorial corrections made to the text after it was submitted to the United Nations in August 1985.

September 1985



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## FIRST PART: GENERAL INTRODUCTION

The present report is the seventh submitted by Canada on the implementation in this country of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. It was prepared, as far as possible, on the basis of the "Revised General Guidelines" adopted by the Committee on the Elimination of Racial Discrimination. The main period covered is mid-Summer 1982 to the end of 1983. 1

The report is divided into four parts - a general introduction, measures adopted by the federal government, measures adopted by the provinces, and measures adopted by the governments of the territories. 2

### 1. Constitutional developments

Previous reports have accounted for the distribution of powers between the federal and provincial governments in the human rights area. It was mentioned in particular, that all governments share responsibilities with regard to the implementation of the Convention. 3

#### (i) Entry into force of section 15 of the Canadian Charter of Rights and Freedoms

The sixth report explained the provisions of the Canadian Charter of Rights and Freedoms which took effect in April 1982 (with the exception of section 15) with the entry into force of the Constitution Act, 1982. Section 15 entered into force on April 17, 1985. The reason for the delay was to give the federal, provincial and territorial governments time to review any laws that might not be in conformity with that section. 4

Subsection 15(1) provides: "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." Canadians already enjoy protection against discrimination under federal and provincial legislation, but the entry into force of section 15 will enhance that protection by allowing them the recourse of the supreme law of the land. 5

Subsection 15(2) provides: "Subsection 1 does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." Consistent with article 1(4) of the Convention, this permits the adoption of special programmes to improve the lot of disadvantaged groups or individuals. 6

#### (ii) Extent of limitations permitted by section 1 of the Charter

During the examination of the sixth report members of the Committee raised questions with regard to the extent of the limitations permitted by section 1 on the rights enumerated in the Canadian Charter of Rights and Freedoms. 7

- 8 Section 1 provides: "The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."
- 9 Section 1 has been referred to in numerous court cases, and some principles have been stated which help to interpret the section. Most of these cases occurred after the period of time covered by this report and will be dealt with in detail in the next report.
- 10 The expression "prescribed by law" contained in section 1 has been examined by the courts. In one case the court had to determine whether the powers of a provincial board of censors to censor films represented a reasonable limit on freedom of expression as guaranteed by the Charter. The board had been given the power to censor films but no standards had been provided by law for the exercise of this power. The court stated:
- The Charter requires reasonable limits that are prescribed by law; it is not enough to authorize a board to censor or prohibit the exhibition of any film of which it disapproves. That kind of authority is not legal for it depends on the discretion of an administrative tribunal ... It is accepted that law cannot be vague, undefined, and totally discretionary; it must be ascertainable and understandable. Any limits on the freedom of expression cannot be left to the whim of an official; such limits must be articulated with some precision or they cannot be considered to be law.
- 11 While the board had adopted certain standards, the court concluded that these did not qualify as law, saying that the board was not bound by them and that they had no legislative or legal force. The court ruled that the provisions giving the board the power to censor films were of no force or effect, insofar as the limits placed on freedom of expression were not "prescribed by law".
- 12 In the process of determining whether a limit was demonstrably justified in a free and democratic society, the courts have examined the situation in other countries and have referred to international human rights instruments and Canada's international obligations for clarification. This was illustrated, for instance, in a case where the courts had to determine whether an extradition order against a Canadian citizen amounted to an unreasonable limit to the right of every citizen of Canada to "remain" in Canada, a right guaranteed by section 6 of the Charter (Re Federal Republic of Germany and Rauca (1983) 41, O.R. (2d) 225).
- 13 In its examination of the case the court referred to the International Covenant on Civil and Political Rights, observing that Canada was a signatory, and to the European Convention of Human Rights, and concluded that these treaties did not prohibit extradition procedures, indicating that extradition was considered an acceptable practice in the community of nations.

(iii) Constitutional Conference, March 1983

The Constitution Act, 1982 provided in section 37, that a constitutional conference would be held before April 17, 1983 to discuss constitutional issues directly affecting Canada's aboriginal peoples. 14

The conference, which was held in March 1983, brought together the Prime Minister of Canada, the premiers of the provinces, the elected leaders of the territorial governments, and the leaders of Canada's aboriginal population, to consider an agenda prepared in consultation with the aboriginal peoples. 15

The major outcome of the conference was a Constitutional Accord, agreed to by nine provinces, the two territories, and the participating national aboriginal associations, as well as the federal government, which called for a number of amendments to the Constitution Act, 1982 and set out a series of constitutional meetings to be held over the next four years with the full participation of representatives of the national aboriginal associations, to resolve some of the outstanding issues facing aboriginal people today. Following this Accord, the following changes were made to the Constitution Act, 1982: 16

- Section 25(b) was amended to include "rights or freedoms that now exist by way of land claims agreements" in the section 25 protection of certain aboriginal constitutional rights.
- Section 35 was amended to guarantee aboriginal and treaty rights equally to men and women, and to ensure that rights acquired by existing or future land claims agreements are given the status of treaty rights, so as to ensure such rights the protection of subsection 35(1).
- Section 35.1 was added. It provides that the federal and provincial governments are committed to the principle of holding a constitutional conference to which aboriginal representatives shall be invited before making any constitutional amendments to provisions affecting federal jurisdiction over Indians or touching upon the rights of the aboriginal peoples protected by the Constitution.
- Section 37.1 was also added. It requires that two more constitutional conferences of the type previously described shall be held before April 17, 1987 and that constitutional matters which directly affect Canada's aboriginal population shall be put on their agenda.

These amendments were proclaimed in force on June 21, 1984.

2. Demographic composition of the population

The principal source of information on the demographic composition of the population of Canada is the census carried out every 10 years. In the census, information on ethnic origin is gathered by way of self-identification with the cultural group to which the respondents (or their ancestors) belonged on first coming to this continent. In previous censuses only one response, that 17

of the origin of the first male ancestor coming to this continent, was accepted. In the 1981 census, in order to provide a more accurate picture of the cultural mosaic, recognition was given to the possibility of multiple ethnic origins and, consequently, all responses provided by respondents were acceptable. About 11% of the population identified themselves as having more than one ethnic origin.

- 18 Close to 100 different cultural groups were sufficiently numerous to be identified by name in the publication of Statistics Canada entitled 1981 Census of Canada, Population: Ethnic Origin. Of those reporting a single origin, 40.2% were British (compared to 44.6% in 1971), and 26.7% were French (compared to 28.6% in 1971), while people of other origins comprised 33.1% of the population (up from 26.8% in 1971) indicating an increase in the ethnic diversity of Canadians.
- 19 The 1981 census was also designed to gather more accurate information on Canada's aboriginal people. In 1981, four options were possible: Inuit (the distinct cultural group of aboriginal inhabitants who generally reside north of the 60th parallel and who generally share a common language, Inuktitut; Status or Registered Indian (persons registered or entitled to be registered under the Indian Act, R.S.C. 1970, c. I-6); Non-status Indian (Native people who identify themselves as Indians but who are not registered for the purposes of the Indian Act); and Métis (descendants of people of mixed aboriginal and European ancestry who formed a distinct socio-cultural entity in the 19th century. The Métis have gone on to absorb the mixed offspring of native Indians and groups from all over the world).
- 20 The 1981 census indicated that persons of aboriginal descent made up 2% of the population, a slight increase from the previous census. These included 25,390 Inuit, 292,705 Status Indian, 74,110 Non-status Indian and 98,260 Métis.
- 21 Statistics Canada has published a report, Canada's Native People, based on the 1981 census data, which examines the Native population, their languages, their level of education, their employment situation, their income, their families and their housing. Comparisons are also made between Native and non-Native populations, indicating the disadvantaged position of the Native population in many areas. This publication has been submitted along with this report to the Secretary-General of the United Nations.
- 22 The census also provided data on immigrants. Perhaps the most significant change since the last census has been in the shift in the country of origin of the newcomers, that is from predominantly European countries to a great variety of non-European countries. Though Europe has remained the leading source of immigrants, the percentage of people coming from Asia, the Caribbean, and Central and South America has increased significantly. A copy of a publication of Statistics Canada entitled Canada's Immigrants has been submitted to the Secretary-General with this report.

### 3. Intergovernmental co-operation

- 23 A number of mechanisms have been put into place to facilitate consultations between the federal, provincial and territorial governments.

Ministers responsible for human rights meet regularly to review issues arising out of the implementation of international human rights treaties and generally to keep abreast of developments in the field. The last such meeting was held in September 1983. During that conference, the ministers examined, among other things, a number of issues related to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the elimination of racial discrimination in general. 24

Among other decisions, the ministers requested the Continuing Federal-Provincial-Territorial Committee of Officials Responsible for Human Rights (a body created in 1975 to facilitate consultation and co-operation between governments) to develop a full and complete interpretation of the International Convention on the Elimination of All Forms of Racial Discrimination; reinforced the pressing need for statistical data to meet the requirements of affirmative action programmes; directed their officials, through the Continuing Committee, to report and recommend how affirmative action can best be integrated into government mandates; requested that the Committee review, analyse and document the status of the teaching of human rights in Canada in consultation with the appropriate bodies responsible for education; and recorded their support for the Second Decade to Combat Racism and Racial Discrimination. 25

The Continuing Committee, mentioned above, meets twice a year to examine human rights issues common to all governments. Following the last ministerial conference, the Committee established a number of working groups to execute the tasks assigned by the ministers. One of the working groups is preparing an interpretation of the International Convention on the Elimination of All Forms of Racial Discrimination; another one is making a study of the teaching of human rights in Canada; other working groups are examining the questions of affirmative action and terms and conditions in government contracts. The results of these studies will be reviewed by the ministers at their next conference scheduled to take place in September 1985. 26

During the period under review governments have co-operated in the preparation of the various reports which have to be submitted to the United Nations. Canada's report on the implementation of articles 13 to 15 of the International Covenant on Economic, Social and Cultural Rights was submitted in May 1985. That report deals with the right to education, the right to take part in cultural life and the right to enjoy the benefits of scientific progress. Attention is being drawn in particular to headings 13B, 13C(1), and 15A(2)(d) which contain information on measures taken in Canada for the education of children in the spirit of human rights, the education of minorities and the preservation and enhancement of the cultural heritage of ethnic groups and the indigenous sectors of the population. Additional copies of that report, as printed for distribution in Canada, are being forwarded to the Secretary-General as reference material for members of the Committee on the Elimination of Racial Discrimination. 27

Copies of the report submitted to the Secretary-General on the observance of Human Rights Day in Canada in 1983 are also being made available to members of the Committee. The report illustrates the continued efforts being made in Canada to sensitize the population to human rights issues and to the elimination of racial discrimination, in accordance with article 7 of the Convention. 28

## PART II: GOVERNMENT OF CANADA

### GENERAL

#### (a) Legal framework

- 29 The general legal framework within which discrimination is prohibited in areas of federal jurisdiction has remained basically the same during the period under review.

#### (b) Policy of eliminating racial discrimination

- 30 On numerous occasions during the period under review, the government has reaffirmed its commitment to eliminate racial discrimination and to promote equality among the people of Canada.
- 31 Following the entry into force of the Constitution Act, 1982 in April 1982, the Government of Canada undertook a review of its statutes to ensure their conformity with the Canadian Charter of Rights and Freedoms. More information on this will be provided in the next report.

#### Visible Minorities

- 32 In April 1983, the government approved a set of guidelines for the depiction of visible and ethnic minorities in government advertising and communications. The guidelines are grounded in the principle and policy of multiculturalism within a bilingual framework. Within this context, all groups, irrespective of ancestry and ethnic origin are and must be portrayed as equally productive and contributing members of Canadian society. The guidelines are intended to help correct theoretical biases and stereotypes which constitute barriers to full participation in Canadian society. They apply to all internal and external federal government communications.
- 33 In June 1983, a Special Parliamentary Committee was set up by Parliament to examine the problems related to the participation of visible minorities in Canadian society and to propose measures to increase such participation. In its report entitled "Equality Now!", submitted in March 1984, the Committee made 80 recommendations designed to increase the participation of members of visible minorities in Canadian society and to facilitate their enjoyment of fundamental rights and freedoms. For the purpose of the report, visible minorities have been defined as non-whites who are not participating fully in Canadian society. The non-white population of Canada is approximately 7% of the population.

#### Affirmative action programmes

- 34 Also in June 1983, a Royal Commission of Inquiry on Equality in Employment was set up, by Order-in-Council. The Commission was required to explore the most efficient, effective, and equitable means of promoting employment opportunities, eliminating systemic discrimination and assisting all individuals to compete for employment opportunities on an equal basis. Four target groups were identified: women, Native people, disabled persons, and visible minorities. At the same time, the Commission was to examine the employment

practices of 11 designated crown and government-owned corporations. The Commission submitted its report to the government in October 1984. The report contains 117 recommendations addressed to the Government of Canada, the governments of the provinces and the private sector.

#### Aboriginal self-government

In December 1982, the House of Commons created a Special Committee on Indian Self-Government to review all legal and related institutional factors affecting the status, development and responsibilities of band governments on Indian reserves and make recommendations in regard particularly to possible provisions of new legislation and improved administrative arrangements to apply to some or all band governments on reserves, taking into account the various social, economic, administrative, political and demographic situations of Indian bands, and their views in regard to administrative or legal change. 35

In its report, submitted to Parliament in November 1983, the Committee recommended that the federal government establish a new relationship with Indian First Nations and that an essential element of this relationship be recognition of Indian self-government. The Committee recommended that the right of Indian people to self-government be explicitly stated and entrenched in the Constitution of Canada. Indian First Nation governments would form a distinct order of government in Canada, with their jurisdiction defined. Proposals to achieve self-government, through legislative and administrative means, were outlined in the report. 36

#### Declaration under Article 14 of the Convention

Article 14 provides for a voluntary mechanism for the review of complaints of violation of the Convention. The Government of Canada favours the process of an ultimate, international recourse for the individual in human rights matters. Canada is one of the relatively few states to have acceded to the Optional Protocol to the International Covenant on Civil and Political Rights. Canadians accordingly already possess a right of complaint to the Human Rights Committee on any matter dealt with in the Covenant, including racial discrimination. The possibility of a declaration under Article 14 is, however, under active and serious consideration. 37

### ARTICLE 2

#### A(5) Eliminating barriers between races

Many departments and agencies, including the Canadian Human Rights Commission, the Canada Council, the Canadian Radio-Television and Telecommunications Commission, the Canadian Broadcasting Corporation, the National Film Board, the National Library, the National Museums and the Public Archives, play a significant role in the promotion and preservation of the cultural diversity and in the elimination of barriers between races. A lead role is played by the Multiculturalism Directorate of the Department of the Secretary of State, created in 1971, to implement the multiculturalism policy of the government. 38

- 39 During the period under review, the Directorate continued to provide support for: Canadian ethnic studies; writing and publications in the cultural diversity of Canada; the learning of heritage languages; performing and visual arts; group development; intercultural communications; and cultural integration. However, the main changes consisted in a substantial development of programmes to deal with social issues, such as race relations, problems encountered by immigrant women, and multicultural education. In order to support the new activities, the budget of the Directorate for grants and contributions was increased, reaching \$14.4 million in the fiscal year 1983-84.

#### Race relations

- 40 During the period under review, the Race Relations Unit provided financial and technical assistance for projects that attempt to improve race relations, and it initiated projects aimed at ensuring the full participation of visible minority groups in Canadian society. Activities included seminars, workshops for community workers and national pilot projects to make large organizations aware of the need to change attitudes and practices toward visible minority groups. Other activities aimed at encouraging institutional change included a conference on visible minorities and the media, a police training project and a visible minorities training programme at the Canadian Broadcasting Corporation.
- 41 A National Strategy on Race Relations was adopted. The overreaching purpose of the strategy is to help the process of integration of all visible minority groups into Canadian society by eliminating the barriers to full and equal participation.

#### Immigrant women

- 42 Helping immigrant women join the mainstream of Canadian society was another priority during the period under review. With assistance from the Multiculturalism Directorate, the National Follow-up Committee, formed after the 1981 conference on immigrant women, expanded to include representative groups from every province. Committee members dealt with problems identified at the conference and began studying the feasibility of holding a second national meeting. Assistance funding to immigrant women's groups remained a high priority. Also, the Directorate collaborated with Status of Women Canada to incorporate the concerns of immigrant women in the 1985-90 Action Plan for Women in Canada.

#### Multiculturalism in education

- 43 Another priority of the Directorate was to foster multiculturalism within Canada's education system. Financial support and consultative assistance were provided to individuals and associations, such as the Canadian Education Association, the Canadian Teachers Federation and the Canadian Council for Multicultural and Intercultural Education which it helped to establish in 1983. The Council comprises provincial representatives who come together to share pertinent information and work on activities that help advance the idea of multicultural education in Canadian schools. The Directorate was involved in teacher-training workshops, curriculum development, research and publication of teaching guides.

## **B. Special measures for the development and protection of certain groups**

The concept of special programmes in favour of disadvantaged groups has gained 44  
increased recognition and application in recent years. The principle is  
embodied in the Constitution of Canada (section 15(2) of the Canadian Charter  
of Rights and Freedoms), and in the Canadian Human Rights Act, S.C. 1976-77,  
c. 33, (section 15), as explained in previous reports. The programmes  
outlined in these reports are still in operation.

During the period under review, the main undertakings of the Government of 45  
Canada in this regard included the continuation and expansion of affirmative  
action programmes in the private sector, the launching of employment affirma-  
tive action programmes in the Public Service, and special measures in favour  
of indigenous people.

### **(a) Employment affirmative action programmes in the private sector**

The Affirmative Action Program administered by the Canada Employment and Immi- 46  
gration Commission aims to improve employment opportunities, utilize the full  
potential of all workers, and achieve appropriate representation of specific  
target groups at all levels and in all occupations in the labour force. Up  
until 1984, the designated target groups were women, Natives, physically  
disabled persons and Blacks in Nova Scotia.

### **(b) Employment affirmative action in the Public Service**

In June 1983, the government announced that an affirmative action programme 47  
was being implemented across the Public Service of Canada to ensure more  
equitable representation in it of women, indigenous people and handicapped  
persons. A pilot project had been carried out with a limited number of  
departments in previous years and the government had concluded that affirma-  
tive action can be implemented in the Public Service.

At the same time, the government announced consultations with visible minority 48  
groups in order to develop a strategy for examining their employment situation  
in the federal Public Service. Special measures for these groups would be  
developed where analysis indicates they are necessary.

Affirmative action was defined as a comprehensive systems-based approach to 49  
the identification and elimination of discrimination in employment. It makes  
use of detailed analyses to identify and systematically remove employment  
policies, practices and procedures which may exclude or place at a disadvan-  
tage the target groups.

A detailed timetable was established for the implementation of the programme. 50  
Departments were required to establish affirmative action responsibility  
centres, to make an audit of their work force, and to review their employment  
systems and practices. Departments are currently preparing reports describing  
the methods they will use to implement the programme within their organiza-  
tion. The plans will be implemented over the next three-year period.

(c) Special measures in favour of indigenous people

- 51 The programmes described above all include "indigenous people" as a target group. Previous reports have also described special measures designed to help indigenous people alleviate the special disadvantage they suffer in Canadian society. These projects are continuing. They include the following programmes operated by the Department of Indian Affairs and Northern Development: Community Adult Education Program, Indian and Inuit Job Mobility program, Indian and Inuit Occupational Skills Training, Indian and Inuit Training on the Job, Indian and Inuit Recruitment and Development, Native Economic Development Program, Native Interchange, Occupational Skills Training Program, On the Job Training - Northern Program, and Post-Secondary Educational Assistance Program.
- 52 The Public Service Commission has established, in 1983, the National Indigenous Development Programme which is designed to improve the preparation of Indigenous people for positions in the middle and senior levels of the Public Service of Canada. Participants in the programme hold management posts, for a period up to 24 months, that enable them to acquire the skills and experience necessary to succeed in competitions for management positions in the Public Service. The programme complements the Northern Careers Programme created in previous years and which provides on the job experience for trainees through an apprenticeship that entails working alongside skilled and experienced workers.
- 53 The Canada Employment and Immigration Commission has continued to employ Native employment counsellors (93 in 1983-84) in its employment centres across Canada. In 1983-84, about \$204.5 million was devoted to employment development programs, training and employment services for Native people. Canada Works, Job Corps, Career Access, Local Employment Assistance and Development, the Native Internship Program and Outreach provided employment for 36,362 Native participants.
- 54 A working group composed of the Commission and the Native Women's Association of Canada identified and articulated the employment needs of Native women and prepared ways by which Commission programmes could be made more responsive to these needs. Nine provincial-territorial Women's Employment co-ordinators worked exclusively with Native women and their representative organizations to improve participation in the Commission's employment programmes and services.
- 55 The Department of the Secretary of State continued to support initiatives and projects of aboriginal people, including political organizations, friendship centres, communications networks, women's organizations, and social and cultural development projects. During the period, the department launched the Aboriginal Constitutional Funding Program, under which it gives funds for the research, consultation and participation activities of four national and three territorial Native organizations in the ongoing constitutional process. It also established the Northern Native Broadcast Access Program which provides independent Native communications societies in the North with the resources to produce regional radio and television programmes that promote Native languages and cultures.

### ARTICLE 3

On numerous occasions during the period under review, Canada has condemned South Africa's practice of apartheid. 56

Measures designed to bring pressure on the white minority government of South Africa to eliminate apartheid have been maintained. These actions include the embargo on arms sales, suspension of trade promotion, cessation of financial assistance to Canadian exporters to South Africa, ending of trade agreements with South Africa, ending of sports contacts, and continuance of the voluntary Code of Conduct Concerning Employment Practices for Canadian Companies Operating in South Africa. 57

In order to bring change, Canada has made annual contributions to various United Nations programmes which provide assistance to victims of apartheid. For example, in 1983-84, Canada contributed \$20,000 to the United Nations Trust Fund for South Africa and \$350,000 to the United Nations Educational and Training Programme for Southern Africa. 58

The Canadian International Development Agency has accepted requests for assistance from Canadian non-governmental organizations which undertake development projects within their South African counterparts. In 1982-83, approximately \$141,000 was disbursed under this program. Most projects were of a self-help character in the Black or Coloured communities. 59

In 1983-84, 31 projects were funded through the Mission Administered Fund which is available annually to the Canadian Ambassador to South Africa. The \$150,000 were disbursed for self-help development projects to assist the underprivileged. 60

Contributions totalling \$618,700 have been channelled through the Canadian Labour Congress for training to benefit local Black or integrated unions. 61

### ARTICLE 4

Previous reports have described legislative and other measures taken to implement article 4. In particular, reference has been made to the Criminal Code R.S.C. 1970, c. C-34, and the Canadian Human Rights Act. 62

Other legislative provisions can also be used to curb conduct which runs counter to article 4. For example, section 265 of the Criminal Code prohibits acts of defamatory libel which is defined in section 262 to be any matter published, without lawful justification or excuse, that is likely to injure the reputation of any person by exposing him/her to hate, contempt or ridicule or that is designed to insult the person of whom or concerning whom it is published. Section 164 establishes the offence of using the mails for the purpose of transmitting or delivering anything that is obscene, indecent, immoral or scurrilous. Section 177 provides that "every one who willfully publishes a statement, tale or news that he knows is false and that causes or is likely to cause injury or mischief to a public interest is guilty of an indictable offence and is liable to imprisonment for two years". 63

- 64 Other Criminal Code provisions of a general nature can be invoked to deal with violent conduct, or incitement to such conduct, inspired by racial motivation. For instance, murder, assaults, arson, mischief, damage to property and other acts of violent conduct are expressly prohibited by the Code. As well, section 171 prohibits the causing of a disturbance in or near a public place by using insulting or obscene language or by impeding or molesting other persons. Intimidation by violence or by threats of violence against an individual, or his family, relatives or property, is an offence under section 381. Moreover, incitement to acts of violence as well as the provision of assistance for an unlawful act are covered by the Criminal Code provisions dealing with parties to an offence and aiding and abetting (section 21), and those dealing with counselling or procuring another person to be a party to an offence (section 22).
- 65 Other provisions that can be used include:
- regulations adopted under the Broadcasting Act, R.S.C. 1970, c. B-11, which stipulate that "No station or network operator shall broadcast any abusive comment that, when taken in context, tends or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability".
  - subsection 9(1)(j) of the Trade Marks Act, R.S.C. 1970, c. T-10, which prohibits the adoption, in connection with a business, of a trade mark consisting of any scandalous, obscene or immoral word or device; this provision is used by the Trade Marks Office to raise objections to anything in the nature of a racist trade mark, an interpretation which has received no challenge to date.

## ARTICLE 5

### **Measures to prohibit racial discrimination and to guarantee the right of everyone to equality before the law**

#### Canadian Human Rights Act

- 66 The Canadian Human Rights Act, S.C. 1976-77, c. 33, discussed in previous reports, prohibits discrimination in employment and in the provision of goods, services and accommodation on numerous grounds including race, colour, and national or ethnic origin. The Act was amended in 1983 in order to broaden its protection against discrimination. It now expressly prohibits harassment on any of the prohibited grounds, including race, colour, and national or ethnic origin. It specifies that all persons subject to a collective agreement, whether or not they are members of the union, are protected from discrimination on the part of the union organization, and prohibits discriminatory practices on the part of organizations of employers as well as by employers acting in their individual capacity.
- 67 The Canadian Human Rights Commission can now deal with allegations that an employer, employee organization or organization of employers has a policy that limits the job opportunities of certain groups, even if no individual victim comes forward.

Employers are clearly made responsible for discrimination by their employees, officers or agents in the course of their work, unless all of three conditions are met: the employer did not consent to the discrimination; the employer exercised "all due diligence" to prevent the discrimination; and the employer acted subsequently to mitigate or avoid the effect of the discrimination. 68

## ARTICLE 6

### Examination of complaints of discrimination

The Canadian Human Rights Commission has continued to examine complaints of discrimination. 69

### Protection of land reserved for the Indians

During the examination of Canada's 6th report it was asked what happened when tracts of land in the reserves were opened up for commercial exploitation of natural resources. 70

Natural resources on Indian reserves may be exploited only in accordance with the provisions of the Indian Act, or, in the case of oil or gas, the Indian Oil and Gas Act, S.C. 1974-75-76, c. 15. No exploitation of resources on reserve lands takes place without the consent of the band. Revenue so produced is band revenue. 71

A process to deal with Native land claims was established by the government in 1973. This followed a decision of the Supreme Court of Canada in which the court divided evenly on the question of whether, in the case before it, aboriginal title still existed or had lapsed. The claims process deals with both "comprehensive claims", in which claims based on traditional use and occupancy are negotiated, and "specific claims", which are based on treaty obligations, legislative requirements and the management of Indian assets. 72

In 1974, the Office of Native Claims was established to represent the Minister of Indian Affairs and Northern Development and the federal government for the purposes of settling claims through the negotiation of agreements. 73

A first comprehensive agreement was reached in 1975. Considered the first modern land claims settlement, the James Bay and Northern Québec Agreement involved the Government of Québec, three Québec Crown corporations, the Grand Council of the Cree, the Northern Québec Inuit Association and the Government of Canada. Indians and Inuit surrendered their aboriginal title in exchange for the exclusive use of 13,696 square kilometres of land together with a regime of local self-government complete with a social, cultural, economic and educational framework. Financial compensation amounted to \$267.5 million, with the promise of \$226.3 million in additional programmes. 74

A second agreement was reached in Québec in 1978. The 400 Naskapi Indians of Schefferville received rights and benefits similar to those of the Cree and Inuit, including 327 square kilometres of land and \$9 million. 75

## ARTICLE 7

### A. Education and teaching

- 76 The Government of Canada supports initiatives which aim at increasing the study and teaching of human rights and of problems of racial discrimination. Recent initiatives taken include the following: a grant of \$500,000 was allotted by the Department of the Secretary of State to the Human Rights and Education Centre of the University of Ottawa to establish a chair of excellence in human rights; Multiculturalism Canada's Endowment Assistance Program made contributions to non-profit organizations wishing to create endowments for the establishment, in Canadian universities, of chairs of study in the fields of humanities, social sciences, communications and fine arts, relating to particular ethno-cultural groups; two conferences were held on "Multiculturalism in Education" with financial assistance from Multiculturalism Canada - the conferences were attended by 600 and 900 participants, respectively, representing boards of education, faculties of education, teachers' organizations, community groups and educators in general; the Department of the Secretary of State has created an annual National Fellowship in Human Rights Research to encourage multidisciplinary and/or interdisciplinary research and the development of expertise in the field of human rights; the department continued to provide publications, including United Nations publications, to those involved in the school system, as well as grants for the development of teaching guides and research on problems of racism in the school system; the Department of Justice funded a survey of the interest of educators, parents and the community for the inclusion of human rights teaching in the school curriculum, survey undertaken by the Newfoundland-Labrador Human Rights Association. The Human Rights Law Fund, established by the Department of Justice, also provides continuing funding to the Canadian Human Rights Foundation to assist it in holding its annual Summer Course on Human Rights at the University of Prince Edward Island.

### B. Culture

- 77 The Department of the Secretary of State provides extensive financial support to organizations of the aboriginal peoples of Canada, ethnic groups and official language minorities to retain and develop their culture, traditions and languages. Many other departments, including the Department of Indian Affairs and Northern Development, and cultural agencies provide similar support. Details of this support can be found in Canada's report on Articles 13 to 15 of the International Covenant on Economic, Social and Cultural Rights, particularly in paragraphs 105 to 122.
- 78 Financial assistance is also provided to non-governmental organizations for various human rights projects, including the fight against discrimination and prejudice and for intergroup understanding, and the celebration of such events as Human Rights Day. Special efforts were made for example, in 1983, to mark the 35th Anniversary of the adoption of the Universal Declaration of Human Rights. Extensive support was then provided to the non-governmental sector to organize activities aimed at increasing public awareness of human rights issues. Many departments and agencies joined ranks to inform their employees and the public of the importance of the Declaration and other human rights instruments.

Subsequent to the adoption of the Charter of Rights and Freedoms, in 1982, the Department of Justice established a Human Rights Law Fund to provide financial assistance in support of activities undertaken by individuals, associations, and groups, relating to the protection and development of human rights within areas of federal jurisdiction. Projects considered under the Fund include legal research, publications, conferences, seminars, and public education and information projects that enhance knowledge in Canada of the Charter of Rights and Freedoms, human rights legislation and the international human rights obligations of Canada. 79

### C. Information

#### Role of the media

Previous reports contained information on the role played by the Canadian Broadcasting Corporation in the dissemination of information on human rights and discrimination issues. 80

In October 1982, a Conference on Visible Minorities and the Media examined ways to enhance minority portrayal in the media. A report of the conference contained 23 recommendations. A set of guidelines on depiction of visible minorities in government communications were subsequently approved by the government. 81

PART III: GOVERNMENTS OF THE PROVINCES

ALBERTA\*

**Part I General Information**

- 82 In Alberta's previous reports, information on legislation with regard to prohibiting and eliminating discrimination has been provided. The Individual's Rights Protection Act remains in force and has supremacy over other provincial acts.

**Part II Information in Relation to Each of the Articles in Part I  
(Articles 2 to 7) of the Convention**

Article 2

**ALBERTA CULTURE**

Cultural Heritage Branch

- 83 In addition to the broad outline of programs under the Cultural Heritage Branch cited in the previous report as giving effect to provisions under Article 2, new developments in this branch with respect to five specific programs have been introduced.

1. Multicultural Training Program

- 84 The objective of the Multicultural Training Program is to enable public agencies and institutions to become more responsive to the needs of ethnic and racial communities and to utilize the resources of ethno-cultural groups in the delivery of services. The program has three distinct courses: Strategies for Implementing Multicultural Programs; Training Multicultural Trainers; and Training Cultural Resource People.

2. Heritage Magazine

- 85 Published six times yearly by the Cultural Heritage Branch, the purpose of Heritage magazine is to create understanding among Albertans. The magazine develops public awareness of multiculturalism by focusing on the expression of diverse values, beliefs, and social practices evident in contemporary lifestyles of Albertans. Specific issues have dealt with such matters as what Alberta police departments are doing in ethnic and race relations. "Heritage" is distributed free to over 30,000 readers.

3. Profiles on Ethno-Cultural Groups in Alberta

- 86 A binder of 50 one-page profiles giving the reader a quick source of accurate information about ethnic groups in Alberta today. The profiles are designed to be used in schools, government offices, social service agencies and by the general public. Before printing, each of the profiles has been commented upon by the member of Alberta Cultural Heritage Council representing the ethno-cultural group concerned.

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\* Report prepared by the Government of Alberta.

#### 4. Alberta Heritage Day

The Alberta Heritage Day Act assented to June 6, 1974, declared the first Monday in August to be known as Alberta Heritage Day. 87

The purpose of this day is to "recognize and celebrate the cultural heritage of Alberta, to pay grateful tribute to the memory of the early inhabitants and late settlers who have contributed to the history of the province and to dedicate themselves anew to the maintenance and furtherance of the cultural traditions of our Native and founding peoples". 88

In 1982, 20 communities in Alberta hosted events which celebrated and recognized the cultural diversity of this province. 89

#### 5. Exposure

The "Alberta Now and When" show is a musical stage production involving young people from various ethnic and racial groups of Alberta. This stage show represented Alberta in Manitoba, at the Canadian Heritage Festival, and in Australia, at the Commonwealth Games. 90

#### Alberta Cultural Heritage Foundation

The Alberta Cultural Heritage Foundation, established by an amendment of The Cultural Development Act, has as one of its goals "to support and contribute to the development of an understanding of the ethno-cultural background of Alberta". Together with the Cultural Heritage Branch, the Foundation has distributed a variety of grants to cross-cultural projects that stimulate intergroup harmony. 91

In addition, the Foundation is producing a multicultural education kit entitled "Alberta People". The purpose of this kit is to assist teachers and students explore the different cultures, customs and traditions of Alberta's people. Through this program, school children in grades 4, 5 and 6 will be involved in a positive audio-visual learning experience dealing with how we view one another and how we react to differences. 92

#### Alberta Cultural Heritage Council

The Alberta Cultural Heritage Council is an advisory body to the Government of Alberta through the Minister of Culture. Composed of appointed members and members selected by over 50 ethno-cultural communities in the province, the Council has made several recommendations to the Government of Alberta on ways to combat racial discrimination. At its April 1982 meeting, for example, the Council resolved that media should not state ethnic identification when it reports on individuals involved in a crime. Council resolutions are forwarded to appropriate ministers of the Alberta government. 93

#### ALBERTA PERSONNEL ADMINISTRATION OFFICE

Information on the Native Career Opportunities Program administered by the Alberta Personnel Administration Office that give effect to the provisions of 94

Article 2 has been provided in the previous report. Additional information on the program's objective and other activities not mentioned in the last report follows.

### Internal objectives

- 95 In co-operation with other Personnel Administration Office divisions, to develop effective and co-operative working relationships with departments and agencies within the Alberta Public Service.
- 96 To provide advice and assistance to Native employees in coming to constructive resolution of problems; obtain information on how they can advance and further develop their careers.
- 97 To disseminate information regarding the development and current status of career opportunities of Native people within the Alberta Public Service.

### External objectives

- 98 To develop effective and co-operative working relationships with private and public organizations involved in Native employment.
- 99 To maintain an ongoing liaison with other governments in the area of Native employment.
- 100 To promote an awareness of the role and functions of the Native Career Opportunities Program among the general public.
- 101 During 1981 the program has been involved in a number of activities including:
  - development of a program implementation paper to use as a blueprint for action and planning for the program. The paper has been communicated to all Alberta Public Departments,
  - a system of departmental co-ordinators or representatives has been designed to assist in working towards the success of this important program initiative,
  - the recruitment and selection newspaper "THE BULLETIN" is now distributed widely throughout most regions of the province. "THE BULLETIN" is also distributed to Native organizations and groups concerned with Native employment,
  - information sessions have been presented to groups both inside the public service as well as outside groups involved in Native education/training and employment,
  - presentations and briefings have been made to supervisors, managers and personnel administrators in the Alberta Public Service to assist them in being aware and becoming sensitive to Native culture and potentials,
  - development and piloting of cultural awareness programs designed to inform managers, supervisors and employees of the cultural similarities and differences which may impact on the workplace,

- consultations with members of departments, agencies, boards, associations and representatives of the private sector for the purposes of learning from accumulated experiences.

Further, the Personnel Planning and Career Development Unit within the Personnel Administration Office was created by the Government of Alberta to ensure that all groups of people have the same opportunities for employment and career advancement. 102

#### Articles 3 and 4

Measures related to these articles are provided under federal jurisdiction. 103

#### Articles 5 and 6

See information on Alberta's Individual's Rights Protection Act supplied in previous reports. 104

#### Article 7

### **ALBERTA EDUCATION**

In Alberta's previous report we have provided information on programs and administrative practices sponsored by the Alberta Department of Education that give effect to the provisions of Article 7 of the convention. In the interim, the following new measures have been adopted: 105

Funding of alternative schools for the education of urban Native students, Plains Indians Cultural Survival School - Calgary, and Ben Calf Robe School - Edmonton. 106

Development of new legislation for Northland School Division that provides for local control of the delivery of educational services in remote northern communities that are predominantly Native. School board members will be locally elected rather than provincially appointed, as was the practice in this division. 107

A study of bias towards Native Canadians as may be displayed in curricular materials as well as a study of programs of Native students available in the schools of Alberta. 108

Continuation of Project North, a provincially funded but locally administered number of projects where residents of northern Native communities develop curricular materials reflecting their culture and traditions for use in schools. 109

Undertaking a review of the curriculum to determine if practical changes could be made that would foster greater tolerance and respect for minority groups and individuals. 110

Development of recommendations for the establishment of new procedures in our schools and to provide better communication with parents in order to eliminate the transmission of racial, religiously prejudiced and historically inaccurate and distorted views by teachers. 111

- 112 Creation of the Committee on Tolerance and Understanding to undertake a special review to ascertain if there are any practical changes which could be made that would foster greater tolerance and respect for minority groups.

#### **ALBERTA ADVANCED EDUCATION**

- 113 The programs and measures mentioned in Alberta's previous report as sponsored by the Alberta Department of Advanced Education and Manpower have remained in force. The situation has changed with respect to the creation of two departments in its place - the Alberta Department of Advanced Education and the Alberta Department of Manpower. The following are new developments respecting the measures sponsored by the Alberta Department of Advance Education that give effect to the provisions of Article 7:
- 114 Academic upgrading courses are now also available at Fairview College in the Mackenzie North Region in addition to the ones offered at the Alberta Vocational Centre at Grouard and at the Canadian Vocational Centre at Slave Lake.
- 115 In addition to English as a second language program for refugees and immigrants to the province, adult basic literacy is being taught by volunteer tutors in classrooms to enable adults of all races and ethnic groups to read and write. Special project and regular grant funding supports this activity. Liaison is maintained with voluntary refugee and immigration organizations in the province in an effort to assist immigrants to become accustomed to their new homeland.

#### **ALBERTA MANPOWER**

- 116 Programs and measures respecting career resource materials and students exchange cited in the last report as giving effect to the provisions of Article 7 are now administered by Alberta Manpower.

#### **ALBERTA HUMAN RIGHTS COMMISSION**

- 117 The measures adopted by the Commission with regard to the provisions of Article 7 of this Convention have been described in the previous report and remain in force. No new development has occurred between the present and the last reporting period.

**BRITISH COLUMBIA\***

**PART I - GENERAL**

The main legal instrument for the elimination of racial discrimination in British Columbia is the new Human Rights Act which came into effect on September 14, 1984. The Act, which was written after consultation with a variety of groups including an Advisory Committee drawn from the public at large, is administered by a five-member B.C. Council of Human Rights. The new statute includes improved administrative procedures to facilitate review and resolution of complaints alleging discrimination through hearings held by a member of the Council. The Council deals with human rights complaints filed by persons under the new Act, as well as with outstanding cases initiated under the previous Human Rights Code which had been in force since 1974. 118

**PART II - INFORMATION IN RELATION TO EACH OF THE ARTICLES  
IN PART I (ARTICLES 2 TO 7) OF THE CONVENTION**

**Article 2**

**A. Measures which give effect to paragraph 1**

**Measures taken to prohibit discrimination in government**

Under the Human Rights Act, discrimination on the basis of race, colour, ancestry and place of origin is prohibited in accommodation, services or facilities customarily available to the public, purchase of property, tenancy, employment and conditions of employment, and in membership in trade unions and employers' or occupational associations. These provisions apply both to the provincial government and other public agencies and to the private sector. 119

**Measures taken to review legislation**

As a result of the passage of the Canadian Charter of Rights and Freedoms, an interministerial committee has been reviewing British Columbia statutes to identify areas in which legislation is in actual or potential conflict with the Charter. This review has focussed on aspects related to Section 15 dealing with equality rights which specifically prohibits discrimination on the basis of race, national or ethnic origin, or colour. Amendments will be introduced in 1985 which will bring provincial legislation into line with the requirements of the Charter. 120

In accordance with its international commitments, the British Columbia government has a Committee on Private International Law which reviews new legislation to ensure its compatibility with international conventions, including the International Convention on the Elimination of Racial Discrimination. 121

**Measures taken to prohibit racial discrimination**

The former Human Rights Branch of the Ministry of Labour received a total of 501 formal complaints of discrimination under the Human Rights Code in 1983. 122

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\* Report prepared by the Government of British Columbia

Of these complaints, 116 or 23 per cent involved allegations of racial discrimination.

- 123 Since assuming jurisdiction for complaints in September 1984, the B.C. Council of Human Rights has accepted 30 complaints of discrimination because of race, colour, ancestry or place of origin under the Human Rights Act.
- 124 One of the first decisions of the Council involved a complaint by two Indo-Canadian men who claimed they were discriminated against and terminated from their employment on a short-term public works project with a municipality because of their race and colour. Testimony from other members of the work crew corroborated the complainants' position. The Council ordered the municipality to cease the contravention and to pay each of the complainants \$3,800 for lost wages.
- 125 The Civil Rights Protection Act (1981) also gives effect to the undertaking to prohibit racial discrimination by forbidding conduct or communication that promotes hatred or contempt of a person or class of persons or the superiority or inferiority of a person or class of persons in comparison with other groups. The legislation provides for fine or imprisonment of a person or corporation which engages in a prohibited act.

#### **B. Special programs**

- 126 Section 19(2) of the Human Rights Act provides that:

The (Human Rights) Council may approve any program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups and any approved program or activity shall be deemed not to be in contravention of this Act.

- 127 Under this provision, persons or organizations in either the private or public sectors may voluntarily apply for approval of pro-active programs designed to improve the situation of groups which have suffered historic or other disadvantages based on race, colour, national or ethnic origin or other enunciated categories under the Act. For example, this could include preferential hiring measures designed to increase the representation of such groups in the work force or to improve access to educational opportunities. The Human Rights Council is currently developing criteria for evaluating positive programs which are submitted to the Council for approval.

#### **Article 3**

##### **Relations with South Africa**

- 128 British Columbia has no relations of a diplomatic or other formal nature with the Government of South Africa.

#### **Article 4**

- 129 The Human Rights Act maintains the prohibition against discriminatory publications provided under the previous legislation. Section 2(1) of the Act provides:

No person shall publish or display before the public, or cause to be published or displayed before the public, a notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against a person or class of persons in any manner prohibited by this Act.

This provision covers the categories of race, colour, ancestry and place of origin. A Supreme Court of British Columbia decision indicates that this provision may apply exclusively to activities that are specifically covered by the Act, namely, accommodation, services or facilities customarily available to the public, purchase of property, tenancy premises, employment and membership in a trade union, employers' organization or occupational association. 130

The only exception to this prohibition on discriminatory publication is enunciated in Section 2(2): 131

Notwithstanding subsection (1) but subject to the Civil Rights Protection Act, a person may, by speech or in writing, freely express his opinions on a subject.

The Civil Rights Protection Act was discussed in British Columbia's contribution to the sixth report. 132

#### Article 5

British Columbia has nothing new to report on this article. 133

#### Article 6

The Human Rights Act provides that where the B.C. Council of Human Rights has recommended a settlement of a complaint of discrimination and the complainant or person alleged to have committed the contravention does not accept the recommendation, a report is to be submitted to the Minister of Labour who may appoint a one person board of inquiry. If the complaint is found to be justified, the board of inquiry may order payment of compensation to the person discriminated against for wages or salary lost, or expenses incurred by the contravention and, in addition, may order payment of up to \$2,000 for injury to self-respect and dignity. Board decisions are subject to judicial review in the courts only on points of law. With the streamlined administrative procedures in place under the new Act, it is anticipated that a majority of complaints will be resolved quickly at the Council level. 134

In 1983, three of eleven complaints referred to a board of inquiry under the previous Human Rights Code concerned alleged incidents of racial discrimination. One case involved two Native Indian persons who were denied service by a Vancouver hotel. The board of inquiry ordered that the hotel and its staff refrain from the same or any similar contravention again, and ordered payment of \$500 to the complainants for damage to self-respect. 135

#### Article 7

##### A. Education and teaching

Several programs intended to combat prejudice which leads to racial discrimination, and to promote understanding, tolerance and friendship among 136

national, racial and ethnic groups have been developed for the B.C. school system in the last three years. Examples of these have included:

(a) Student Multicultural Leadership Camp

- 137 Since 1983 camps have been sponsored by Vancouver area school boards with funding from the federal Department of the Secretary of State and other provincial sources. The 1984 Surrey camp involved 64 students from junior and senior secondary schools in a five-day program. The camp's objective is to stimulate an awareness of race relations in the community and to help students develop leadership skills that would enable them to organize intercultural activities in their schools and communities. Activities include multicultural films, guest speakers and cultural demonstrations, discussion of problems of intergroup communications, ethnic entertainment, and history of discrimination encountered by racial minorities.
- 138 The camps have resulted in a variety of follow-up activities in the various schools, including a Multicultural Day with lectures, films, and slide shows and formation of Multicultural Clubs. The program has been considered a success and will be carried on and expanded.

(b) Surrey School District's policy on multiculturalism, racism and human rights

- 139 This policy which was adopted by the School Board in November 1982: condemns any form of discrimination by trustees, administrators, staff and students; provides for disciplinary measures for students displaying racist behaviour; seeks to ensure equal employment opportunities; encourages anti-racist curriculum; provides opportunities for staff training in race relations; sets out the rights of parents to appeal the assessment and placement of their children in specific classes; and commits the board to establishing ways to communicate with parents regardless of language barriers.
- 140 In implementing this policy, the School District has appointed a multicultural 'helping teacher' to provide counselling and program development. From a course on world religions implemented by the district, an eight-volume series has been developed by Mr. Sid Bentley to promote religious tolerance among high school students. This series is to receive wide distribution in the B.C. school system through the Ministry of Education.

(c) New Friends - Alternative to Racism

- 141 The first part of a new series of readers for school students from kindergarten to Grade 6 was published in 1984 by Alternatives to Racism. This group includes the Canadian Jewish Congress, the United Chinese Community Enrichment Service Society, the Vancouver Multicultural Society, the Intercultural Association of Victoria, Black Solidarity, representatives from Native Indian and East Indian Communities, the B.C. Teachers' Federation, the B.C. School Trustees Association and the Civil Liberties Union. Developed from research undertaken by Dr. John Kehoe, project co-ordinator and study director for the Parliamentary Committee on Visible Minorities, the learning materials are aimed at educating younger students on some of the different cultural values of minority and immigrant groups, and how persons from a variety of cultures, races and religions can live together with respect and work to jointly solve

community problems. There is also a teachers' handbook which deals with intergroup problem situations and possible solutions for problems between majority and minority group students, parents, schools and local community. Another aspect is the enumeration of specific social and cultural characteristics of which the teacher should be aware to effectively teach and communicate with students and parents from immigrant backgrounds.

## B. Culture

There are a number of institutions and voluntary associations within British Columbia working to combat racial prejudice and to promote intranational and intracultural understanding, tolerance and friendship among groups with different racial or ethnic origins. Some examples of these associations are: 142

### (a) The United Nations Association

The Vancouver Branch of the United Nations Association has been in existence for over 30 years. It has organized many public meetings, seminars and students conferences on issues of concern to the United Nations, such as disarmament, human rights, refugees, international development, North-South problems, apartheid in South Africa, Namibian independence, world health, water supplies, the international drug problem, etc. The branch publishes a monthly bulletin and also has a large library of United Nations reports and publications in its office, which handles hundreds of inquiries for information about the United Nations and the work of its various agencies. 143

### (b) The Neighbourhood Action Project: A Community Response to Racism

While many forms of racial discrimination are prohibited by the Human Rights Act, the Criminal Code of Canada and municipal bylaws, it is nonetheless an unfortunate fact that many victims of racial abuse cannot or do not make use of these laws. In some cases, recent immigrants are not aware of the laws, or they are afraid of appearing to "rock the boat". In other cases, there may not be enough evidence to lay a charge, or the victims give up because the process takes too long. Regardless of the reasons, the result is the same - the victim is left feeling hurt, confused and helpless. 144

The Neighbourhood Action Project (NAP) was established in 1982 by the B.C. Civil Liberties Association in Vancouver to provide victims with a community-based means of redress. The NAP staff has been working for the interests of victims of various forms of racial abuse (verbal harassment, vandalism, arson, and physical attacks) in a variety of ways. 145

One of the major tasks of the project has been drawing out individuals who have suffered abuse. One of its early findings was that upwards of 90% of these individuals never report the incidents to anyone. In order to reach out to these individuals the local ethnic press ran articles about NAP. NAP conducted 'man on the street' interviews and undertook a survey of visible minorities. 146

In some cases, staff found that victims who do have legal redress are not able to initiate proceedings on their own. They may feel hindered by their limited language abilities, or may have been discouraged by an individual working for the legal authorities. In such cases, staff help the victim in obtaining 147

assistance from the appropriate agency (e.g. the police, Human Rights Council, Workers' Compensation Board, etc.).

- 148 One of the key features of the project is its neighbourhood focus. Whenever possible, NAP forms support groups among the neighbours of the victim. This approach has at least two benefits. Neighbours work together to develop strategies to solve this and possibly other community problems. And this approach makes the racial incident a community problem rather than simply the victim's problem.
- 149 The project has also been involved in preventative work in order to create a better racial climate in general. Staff members, for example, have conducted workshops with schools, community groups and agency workers to encourage cross-cultural understanding, and to discuss practical methods of dealing with racial incidents.

(c) The Committee for Racial Justice

- 150 The Committee is a coalition of representatives from 18 separate community groups formed to combat all forms of racism and discrimination in British Columbia. The Committee places a high priority on community education as a means of implementing its long-term goals and has put its resources behind a number of educational and remedial projects in the community. The Committee has helped to co-sponsor conferences and forums on policy formulation, programs and various other aspects of race relations. Topics covered include employment and discrimination, the media and race relations, schooling and prejudice, sex, race, social development and international views on race relations. Other co-sponsoring groups have included the Multilingual Orientation Services Association for Immigrant Communities, Vancouver Multicultural Society, the Centre for Continuing Education (University of British Columbia), National Association of Canadians of Origins in India, Vancouver Multicultural Women's Association and the Pacific Interfaith Citizens Association of British Columbia.

C. Information

- 151 A number of initial steps have been taken by the B.C. Council of Human Rights to disseminate information to combat racial prejudice and other forms of discrimination.
- 152 This has included distribution of brochures outlining the functions and powers of the Council in dealing with complaints of discrimination. Council members have attended a number of forums and conferences to acquaint representatives of community and multicultural organizations with the Council's hearing and administrative procedures. In addition, Council decisions are being made available for distribution through the provincial Queen's Printer as an educational tool for the community.
- 153 An expanded educational role for the Council is envisaged as more experience is obtained in dealing with complaints of racial discrimination under the Act's procedures.

MANITOBA\*

For general information as to Manitoba's legislative efforts to combat racism, 154  
the reader is referred to pages 117 and 118 of Canada's Sixth Report.

Statistics on complaints under the Human Rights Act

The Manitoba Human Rights Commission received 521 complaints of discrimination 155  
in 1982. This total, up from 404 the previous year, was a new record for the  
Commission. The increase may be attributable to a decision by the Commission  
to present a higher profile than previously. The number of complaints based  
on race or colour, 160, was also higher than the previous year, as was the  
number of complaints based on nationality or national or ethnic origin - 94.  
In each case, however, the percentage of total intake represented by such  
complaints (19.2% for race or colour, and 11.3% for nationality, national or  
ethnic origin) was roughly the same as in 1981.

Possible declaration under Article 14

The Government of Manitoba initiated discussion among the federal, provincial 156  
and territorial governments of Canada as to the advisability of making a  
declaration under Article 14 of the Convention, the voluntary mechanism for  
dealing with individual complaints of alleged contraventions of the Conven-  
tion. Manitoba's position was made clear in a letter dated September 15,  
1982, from Attorney-General Roland Penner to the Government of Canada, which  
read in part as follows:

I am authorized to advise you that the Government of Manitoba  
respectfully urges that Canada make the declaration required under  
Article 14 of the Convention. ... Canada's reputation as a leading  
nation in the defence of human rights would be enhanced by this  
action.

Intergovernmental discussion of this proposal continues.

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\* Report prepared by the Government of Manitoba.

NEW BRUNSWICK\*

Introduction

157 This report has been prepared in accordance with the guidelines established by the Committee for the International Convention on the Elimination of All Forms of Racial Discrimination. The information contained in this report is intended to cover the period from July 1982 to June 1983.

PART I: GENERAL

A. Policy

158 The elimination of racial discrimination in areas of employment and public accommodation has been a matter of public policy in the province for quite some time. The Fair Employment Practices Act of 1956 and the Fair Accommodations Practices Act of 1959 marked the just attempt to protect New Brunswick's citizens from discrimination. Both Acts were repealed in 1967 and replaced by New Brunswick's first Human Rights Act thus making New Brunswick the second province to enact such a statute. Many revisions were enacted in order to provide extended coverage and effective procedures for administering the legislation. The province has played and continues to play an important role in the enhancement of human rights in Canada.

B. General legal framework

159 Protection against discrimination is guaranteed by rule of law with the enactment of the Human Rights Act. This recognizes the fundamental principle that all persons are equal in dignity and rights without regard to racial differences.

(a) On-going activities

160 In accordance with the duties and responsibilities mandated by the Human Rights Code the Commission and the staff have developed a programme consisting of the following four components:

- (1) Dispute Settlement - to provide a forum for the orderly disposition of all disputes brought to the Commission.
- (2) Public Education - to instill in New Brunswick citizens an attitude of understanding and respect for the principles of human rights.
- (3) Native Persons Desk - to respond to the special needs of Native persons with respect to their achieving full enjoyment of human rights.
- (4) Legal Services - to ensure the proper statutory functioning of the Human Rights Commission programme.

161 The objective of the programme is to achieve a state of society in New Brunswick where all persons are treated equally without regard to race,

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\* Report prepared by the Government of New Brunswick.

colour, religion, national origin, ancestry, place of origin, age, sex, marital status or physical disability.

(b) (c) Provisions and enforcement of the Code

The Human Rights Act, administered by the Commission under the Department of Labour and Manpower, provides that certain social and economic essentials must be available without regard to race. 162

The areas covered by the Act include employment, housing, rental, sale of commercial space, business and professional associations, public services, accommodations and facilities, public signs, symbols and the media, contracts, conveyances and agreements. All alleged complaints of discrimination to be investigated must be formally written to the Commission. The complaint is then assigned to a human rights officer who conducts a full and complete investigation. If discrimination is indicated the officer then must identify certain requirements that would provide a satisfactory solution to the complaint and attempt to effect the settlement by a process of conciliation. 163

If conciliation fails to resolve the matter and the Commission determines that further efforts in this regard would be worthless, the appointment of a Board of Inquiry is requested from the Minister of Labour and Manpower. 164

Essentially, the board is a request for an independent review of the complaint with a view to determining the validity of the complaint and the extent of discrimination. The board conducts itself in a quasi-judicial manner allowing full opportunity for all arguments to be heard. 165

A report is subsequently prepared and presented to the Human Rights Commission. If discrimination is found, the report will contain recommendations for the fair settlement of the matter taking into account the requests of the complainant, the requirements of the Commission and the interests of the respondents. 166

The Commission takes the recommendations, puts them in the form of an order and serves them on the parties. The orders are final and binding and can be reviewed only in terms of law or jurisdiction. The Act provides that failure to comply with a Commission's order can, upon summary conviction, result in fines up to \$2,000. 167

(d) Statistics on complaints

During the period under review, a total of 1,189 informal complaints were filed with the Commission. Approximately 2.9% can be considered complaints of discrimination due to race, colour or place of origin. Most of these complaints involve areas of employment, accommodation or services. Of the 138 formal complaints filed with the Commission during the same period, 17 were considered acts of racial discrimination involving employment, accommodation or services. 168

PART II: INFORMATION IN RELATION TO THE ARTICLES IN PART I

ARTICLE 2

A. Principal legislation

169 The New Brunswick Human Rights Code represents a sufficient legislative measure for combatting racial discrimination by public authorities, and public institutions within the province.

(1) Conclusion and compliance

170 The Human Rights Commission is designed to achieve a state of society which respects the rights contained in the Code. The explicit wording of the Act requires that the Commission focus first and foremost on the resolution of complaints of discrimination. If a complaint is filed, investigation must be performed by the officer and conciliation in its various forms must follow.

(2) Activities of the Commission

171 The Commission makes every effort to speak out against acts of discrimination by any person or organization through the television, newspapers and radio. In June 1983, the Commission held a press conference to call upon the media, church officials, politicians and other community leaders to help put an end to racism. This public statement, released by the Chairman, Dr. Noel Kinsella, was initiated in response to the alarming increase of hate literature circulating through the mail and the recent occurrence of racist and anti-Semitic incidents which took place in Western Canada.

(3) Review of statutes and programs

172 The Government of New Brunswick directed that all ministries in the province review their statutes, regulations, policies and procedures in light of the standards established by the Canadian Charter of Rights and Freedoms. Each department has since filed summaries of legislation, highlighting areas of difficulty and proposing solutions. At present each report is under study and proposed legislation is expected to follow as early as the next session of parliament. It is the intention of the government to bring New Brunswick's statutes and legislative law in line with the Canadian Charter of Rights and Freedoms.

173 Although the Commission is not mandated by law to examine and review statutes, regulations or policies made under a statute, it does make a practice of recommending changes to the various departments when upon investigation of a complaint, irregularities in legislation are in conflict with the Code. The Commission is also very open and receptive when requests are made for input during the development of new legislation.

174 The Commission has authority according to section 13 of the New Brunswick Human Rights Code to review programmes which are intended to promote the welfare of any class of persons. If the Commission should choose to do so, it may vary or impose conditions on the programme, or withdraw its approval of the programme if it thinks fit.

(4) Enforcement

Enforcement of legislation to prohibit discriminatory acts by any person, group or organization can be found in the Human Rights Code and can be further enforced through the Court of Queen's Bench if necessary. 175

(5) Race relations

The Commission works closely with individuals, organizations and government to promote strong inter-racial relations. This is achieved by encouraging those concerned to lobby for an enlightened multicultural policy throughout New Brunswick and Canada, to respond to issues or discriminatory acts which arise and to promote a public awareness favouring inter-racial respect and brotherhood. 176

Other associations such as the Multicultural Association, the Human Rights League and the Atlantic Jewish community remain closely affiliated with the Commission notifying them of current activities or relevant areas of interest. The Black community has, in response to the Commission's encouragement and support, developed several organizations for the purpose of instilling cultural pride and awareness within the Black community. The newly formed Native Persons Desk works closely with many Indian associations in order to promote friendly relations between the different racial groups. 177

**B. Special and concrete measures in the social, cultural and economic fields, to ensure protection and equality to racial groups**

(a) Activities of the Commission

The New Brunswick Human Rights Commission reviews application forms and job advertisements, and provides employers with information on hiring practices to minimize discrimination of racial minorities in the work place. 178

The Commission extends its full support to programmes such as "Affirmative Action" which is concerned with promoting the welfare of disadvantaged people under the Equal Employment Opportunity programme. 179

It is also the function of the Commission's Native Persons Desk to facilitate the development of employment programmes designed to increase greater Native participation in the public and private work force. 180

(b) Native Persons Desk

One of the most notable additions to the Human Rights Programme was made in April 1982 with the appointment of a Commissioner responsible for Native Persons. This branch of the Commission is designed to address the increasing concerns of Native people in areas of discrimination, cultural and historic preservation and employment creation. 181

It is the objective of this programme to establish a model which will demonstrate that equality of opportunity for Native persons is clearly public policy in New Brunswick. 182

- 183 The following is a list of services provided by the Native Persons Desk: investigation of all formal complaints; counsel or referral for all informal complaints; involvement in the Equal Employment Opportunity Working Committee; speaking engagements with the media, schools, clubs, etc.; and liaison work with the 15 Native reserve communities and other non-reserve communities, Indian groups and associations, in order to promote the enjoyment of economic, cultural and racial equality.

(c) Cultural

- 184 The Department of Youth and Recreation has in operation a programme responsible for the co-ordination of New Brunswick's interprovincial and international cultural relations. Within the framework of the co-operation and exchange agreement a wide range of multicultural activities, cultural festivals and activities of cultural groups are sponsored. For example, a total of eleven cultural activities were realized with the Province of Québec. Seven students were involved in a summer exchange programme which was considered very successful. The volume of exchange between the Government of France and that of New Brunswick increased considerably and as a result approximately fifteen projects in different fields were realized. Numerous projects have also taken place with Belgium and New England as well. Arrangements of a similar nature are under way with Great Britain, Ireland, Japan, West Germany and Louisiana.

ARTICLE 4

- 185 New Brunswick law does not specifically prohibit the discriminatory activities outlined in subsections (a), (b) and (c) of article 4. However, section 6(1) of the Human Rights Code can be used to block discriminatory activities of any individual, group, institution or public official who engages in publication, public display or broadcasting of discriminatory literature or materials. Section 6(1) states:

No person shall

- (a) publish, display or cause to be published or displayed or
- (b) permit to be published or displayed on lands or premises, in a newspaper, through a television or radio broadcasting station or by means of any other medium that he owns or controls

any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or class of persons for any purpose because of race, colour, religion, etc ...

- 186 In keeping with the principles of the Universal Declaration of Human Rights, this prohibition is expressly stated not to interfere with the freedom of expression or opinion under section 6(2). Nothing in this section interferes with, restricts or prohibits the free expression of opinions upon any subject by speech or in writing.

## ARTICLE 5

Measures taken to prohibit racial discrimination in all its forms have been discussed in detail above. As far as guarantees of equality before the law without discrimination, it is sufficient to refer to sections 3, 6, 7, 8, 9, 10, 11, 12, 14 and 15 of the Canadian Charter of Rights and Freedoms. Concerning access to any place or service, the Human Rights Code, sections 4(1) and 5(1), provides protection against such acts of discrimination. 187

## ARTICLE 6

The New Brunswick Human Rights Code prohibits discrimination based on, among other variables, race, colour and national origin in areas of employment, housing and accommodation, contracts, access to services or public places. These provisions are applicable to residents of New Brunswick and regulate the activities of employers, business people and unions within provincial jurisdiction. The Code provides that the New Brunswick Human Rights Commission has a dual role of ensuring the protection of victims whose rights or freedoms have been violated and at the same time promoting and making known the general principles of the Code. Both responsibilities and duties of the Commission have been discussed in detail in article 2, parts A and B. 188

## ARTICLE 7

### Measures in the fields of education, culture and information to combat prejudice and promote understanding

#### A. Education and teaching

##### Education activities

##### (a) Public school system

Human rights teaching has been developing slowly in the province. The junior high school social studies programme covers many topics including: Am I Prejudiced?; Do I Need the Law?; What is My Role as a Citizen?; What Do I Value? 189

The social studies course for Grade 11 students is a 12-unit programme which studies contemporary Canadian concerns. The units most closely related to human rights are: education; women in society; labour and management; the future; urban studies and bio-ethics. 190

The political science course for Grade 12 students is designed to help students develop an understanding of relationships among individuals, an awareness that the political process is concerned with the ways in which individuals and groups cope with problems and conflicts. 191

##### (b) Educational programmes and publications

The New Brunswick Human Rights Commission develops and conducts educational programmes designed to eliminate discriminatory practices related to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, marital status or sex. Staff and Commission members give workshops and lectures at schools throughout the province. 192

- 193 The Human Rights Commission also assisted in the production of a project called "Human Rights - A Canadian Perspective". This is a six-week unit designed to help students explore the broad question of human rights in a Canadian context.
- 194 The Human Rights Commission has assisted in the publication and distribution of two multicultural works. The Teachers' Manual for the Study of Cultural Diversity Found in Canadian Communities is a teaching aid, the purpose of which is to develop and foster a better knowledge, understanding, awareness and appreciation of all Canadians regardless of race, colour or creed.
- 195 The second publication is called Multicultural Festivals. The book reflects the awareness of a heightened consciousness which underscores the need to develop an appreciation of the customs and traditions of the ethnocultural groups found in Canadian communities.

(c) Native peoples studies

- 196 At the post-secondary level various programmes are available for Native and non-Native students which are intended to promote and preserve the Native culture of North America.
- 197 The University of St. Thomas offers a Bachelor of Arts major in Native studies which covers many areas of concern. The University of New Brunswick has in place an extensive programme in affiliation with the MicMac-Maliseet Institute. Funded under a 150,000 dollar grant over 3 years, the programme is intended primarily for Native students so that they may acquire, along with their Bachelor of Education, a working knowledge of their cultural heritage and language. The programme is considered to be very successful with approximately 20 students graduating each year. A further function of this programme is to serve as a resource base of information, literature and assistance for any group, individual, association, etc., and to serve as an advisory council to assist in curriculum formation within the Atlantic region.

(d) Special projects

- 198 New Brunswick, having declared itself officially bilingual, promotes a policy of equal opportunity for both its French and English citizens. The intended outcome of this policy is to encourage a greater understanding and tolerance between the two cultures. This will in turn create a genuine respect and appreciation for the unique cultural blend familiar to this region.
- 199 In response to the increased use of and study in both official languages, the Department of Education has developed various programmes:

Immersion Camp Stay

This programme provides students with an opportunity to use the second language which they have learned and practised in class.

Teacher training

This programme provided teachers of French and English Second Language with methodology and language courses during the summer.

### Monitor programmes

This is available to post-secondary students. It provides an opportunity to study in the second language while assisting a second language teacher in the teaching of the monitor's first language.

### Summer Bursary Programmes

This is available to approximately 250 post-secondary students to study their second language for six weeks during the summer months.

### Bursary Programmes (Full-time and summer study)

Bursaries and fellowships for post-secondary students and teachers studying the second and/or minority language are awarded for a summer school or for a full year. (Totally refunded by Department of the Secretary of State, Government of Canada.)

### Exchange Programmes

This includes preparation of guides for teachers, co-ordination of intra-provincial exchanges and co-operation and communication with SEVEC (Society for Educational Visits and Exchanges in Canada).

## C. Information

### Activities of the New Brunswick Human Rights Commission

#### (a) Public education

This activity performed by the Commission is in response to a legislated mandate defined by section 12 of the Human Rights Act: "... it is the function of the Commission (i) to forward the principle that every person is free and equal in dignity and rights without regard to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, marital status or sex; (ii) to promote an understanding of, acceptance of and compliance with this Act and; (iii) to develop and conduct educational programmes designed to eliminate discriminatory practices ..."

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A wide variety of educational activities have been used since the Commission's inception to carry out this objective, including, printed materials on various aspects of human rights, conferences, seminars, community meetings, speaking engagements with service clubs, employer associations, unions, universities, etc.

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#### (b) Media relations

The Commission makes an effort to work closely with the local and national radio, T.V., and newspapers. As mentioned earlier in this report, press conferences similar to the one held in June of 1983 are received very well by the media. Furthermore, the Commission is always ready to respond to requests made by the media as this provides the opportunity to present the Commission's views on the various aspects of racial discrimination.

202

NEWFOUNDLAND

- 203 The Government of Newfoundland and Labrador has submitted the following comments to complement the information contained in Canada's sixth report.
- 204 The Human Rights Commission has completed a first round of public meetings which were held in the following locations: St. John's, south and east; Gander, east and centre; Grand Falls, centre; Corner Brook, west; and Happy Valley-Goose Bay, Labrador, north. These meetings were advertised through the electronic and printed media and letters of invitation were forwarded to every known association in the above named regions of the province.
- 205 The education officer has embarked upon a programme to stimulate public awareness of human rights issues. In the course of this programme the office has met with and participated in the activities of the Immigrant Women's groups in the province.
- 206 The Newfoundland Human Rights Commission will continue its efforts to combat all forms of racial discrimination.

PRINCE EDWARD ISLAND

- 207 The Government of Prince Edward Island has indicated that it had nothing further to add to the information contained in previous reports, except that the Department of Justice had found no indication of racial discrimination in any of the provincial legislation.

## NOVA SCOTIA\*

The Sixth Report of Canada, under the above Convention was submitted to the Secretary-General of the United Nations in January 1983 and covered the period August 1979 to July 1982. This report will, therefore, cover only a one-year period since then. 208

### A. Legislation

The basic, legal mechanism by which Nova Scotia's policy on the elimination of racial discrimination is translated into legal rights and duties, is the Nova Scotia Human Rights Act. The Act prohibits discrimination in most areas of public life i.e. employment; housing; accommodation, services and facilities; property rights; membership in employee unions, employer's organizations; professional, business or trade associations and volunteer organizations carrying out a public function; and display of signs and notices. Discrimination is prohibited on the grounds of race, religion, colour, creed, national origin, ethnic origin, sex and physical handicap. Discrimination is also prohibited on the basis of age (40 - 65 years of age) and marital status in the field of employment. 209

During the period under review, the Nova Scotia Human Rights Act was amended once. This amendment prohibits discrimination in housing on the basis of source of income i.e. receipt of income maintenance payments from any level of government or maintenance payments under the terms of a court order or separation agreement. 210

### B. Complaint investigation

Processing of complaints continues to occupy a primary role in the work of the Commission. The number of formal complaints handled during this period of one year remained about the same as the number of formal complaints handled during the previous one year period. "Formal" complaints are complaints which the Human Rights Commission is obligated in law to investigate because the complaints allege discrimination prohibited under the Nova Scotia Human Rights Act. Just over 50% of the complaints alleged racial discrimination i.e. race, colour, national origin or ethnic origin. Prior to 1972, a little over 70% of the complaints alleged racial discrimination. These figures, denoting a decrease in racial discrimination, while gratifying to some extent, recognize the need for continued strong public leadership and vigorous enforcement of the law. Successive governments have clearly articulated their commitment to the cause of human rights in Nova Scotia. 211

### C. Review of statutes and regulations

The Government of Nova Scotia has directed all government departments and provincial crown agencies to review all statutes and regulations administered by the respective departments to ensure conformity with the Canadian Charter of Rights and Freedoms. This review is carried out by senior departmental officials in conjunction with the Department of the Attorney-General. 212

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\* Report prepared by the Nova Scotia Human Rights Commission on behalf of the Government of Nova Scotia.

#### **D. Public education**

- 213 Under Section 18(b) of the Human Rights Act, "the Commission shall develop a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights without regard to race, religion, creed, colour or ethnic or national origin".
- 214 Commission staff members carried out over 200 speaking engagements during the period under review. School conferences, in cooperation with local school boards, continue to be an important facet of the public education program of the Commission. Since the school conference program was begun in 1974, 92 school conferences have been held in Nova Scotia.
- 215 The program, which started initially at the senior high school level and was limited to one day's duration, has been extended to a week's duration and involves students at all levels, from the elementary to the senior high. The conferences are designed to maximize student participation at every stage, from the planning of the conference to its conclusion.
- 216 During the period under review, the Nova Scotia Human Rights Commission had the privilege of hosting the Thirty Fourth Annual Conference of the International Association of Official Human Rights Agencies. The conference theme was, "International and Domestic Human Rights - Challenges of the 80's" and the conference program was international in terms of speakers as well as subject matter.
- 217 A conference of this magnitude could not have been envisioned, much less executed, without the unstinting co-operation and support received from every level of government, from business and industry, from school and church, from ethnic and community organizations and from countless dedicated volunteers.
- 218 The Fourth Joint Human Rights and Labour Conference, jointly sponsored by the Human Rights Commission and the Nova Scotia Federation of Labour was held during the year, in co-operation with the Institute of Public Affairs, Dalhousie University. This year's conference theme was "Combatting Racism and Sexism in the Workplace in the 80's".
- 219 The Nova Scotia Alliance of Black Organizations (which includes representation from every Black group) in co-operation with the Human Rights Commission sponsored a provincial human rights conference in May 1983. The conference theme was "A Plan of Action for Progress in the Black Community for the Balance of the 80's". It attracted participation from every level of government as well as business and industry.
- 220 The Human Rights Commission library which serves every age level is used increasingly by members of the general public. The Commission continues to publish and distribute human rights literature on a Canada-wide basis. "Policy Guidelines on Sexual Harassment" was amongst the publications during this period.

## **E. Race relations and community liaison**

In 1981, the Federation for Religious, Racial and Ethnic Equality (FRREE), 221  
comprising representation from over 70 community organizations was formed on  
an ad-hoc basis to combat the threatened move of the Ku Klux Klan. In March  
1983, at a conference of the constituent groups it was resolved to call "for  
the continuation of the Federation of Religious, Racial and Ethnic Equality  
with an enlarged and strengthened Executive Committee that will focus partic-  
ular attention in combatting the message of the Klan within the school  
system". FRREE members were particularly perturbed at the anonymous and  
surreptitious distribution of racist hate literature through the mail to  
school children.

The Premier of Nova Scotia proclaimed December 10, 1982 as Human Rights Day to 222  
mark the thirty fourth anniversary of the Universal Declaration of Human  
Rights. The Proclamation called upon Nova Scotians to reaffirm their  
commitment to the elimination of discrimination.

Officers of the Human Rights Commission are assigned to liaise with community 223  
groups throughout the province in order to promote awareness of human rights.  
The groups include employee unions, employer organizations, school board  
associations, universities and the church as well as societies representing  
ethnic, religious, women's and disabled groups.

## **F. Affirmative action**

Article 2.2 of the Convention on the Elimination of All Forms of Racial 224  
Discrimination states that "States Parties shall, when the circumstances so  
warrant," take "special and concrete measures to ensure the adequate develop-  
ment and protection of certain racial groups or individuals belonging to them,  
for the purpose of guaranteeing them the full and equal enjoyment of human  
rights and fundamental freedoms".

The high percentage of racial discrimination complaints, revealed in statis- 225  
tics ever since the inception of the Commission reflects the need for special  
measures. Section 19 of the Human Rights Act provides for programs "designed  
to promote the welfare of any class of individuals" and such programs, if  
approved by the Commission, shall be deemed not to be a violation of the  
prohibitions of the Human Rights Act.

The Nova Scotia Human Rights Commission recognizes "affirmative action" as a 226  
remedy designed to eliminate systemic discrimination. Visible minority group  
members as well as women and the disabled, have been systemically excluded  
from participation in economic, educational and employment opportunities for  
hundreds of years. As a result of this historical exclusion, our institutions  
have imposed disadvantages on racial and ethnic minorities. Affirmative  
action is remedial action designed to overcome this institutional pattern of  
discrimination.

To date 25 affirmative action agreements have been entered into with provin- 227  
cial employers in the private and public sectors. The first agreement, signed  
in 1972 with Maritime Telegraph and Telephone Company Limited, was one of the  
first of its kind in the whole of Canada. Agreements in the private sector

include programs in the areas of public utilities, service industry (hotels, motels, restaurants, departmental stores, grocery chains), universities and employment agencies. The agreement with the Innkeeper's Guild of Nova Scotia covers its 130 affiliates and the agreement with the Association of Professional Placement Agencies covers the majority of the employment agencies in operation in Nova Scotia.

- 228 In the public sector, affirmative action agreements have been entered into with departments and agencies at every level of government. The Nova Scotia Civil Service Commission affirmative action program is designed to improve the position of visible minorities, women and the disabled. The Civil Service Commission has conducted surveys to provide a data base to measure the need for more effective affirmative action measures. It has instituted awareness sessions at the managerial level.
- 229 The Nova Scotia Human Rights Commission has had a full time Co-ordinator of affirmative action programs, since 1979. The Co-ordinator is assisted by human rights officers, at the central and three regional offices, to maintain a close and on-going liaison with the employers. A full time Co-ordinator of Programs for the Disabled was appointed in 1980.
- 230 As a result of the affirmative action programs of the Human Rights Commission over 3,500 members of target groups have been placed in employment, by direct referrals from the Commission. Indirect placements account for approximately 1,500.
- 231 The Nova Scotia Human Rights Commission has worked co-operatively with public and private sector employers and minority businesses, in the interest of promoting voluntary contract compliance. The Nova Scotia Department of Development has established cost-sharing grants to cover up to 75 per cent of capital and/or working capital costs and a cost-sharing grant up to 100 per cent of business education courses for Black owned businesses.
- 232 The Joint Human Rights and Education Committee, under the co-chairmanship of the Director of the Human Rights Commission and the Deputy Minister of Education, meets on a regular basis to discuss issues relating to human rights and education. Its priorities include: examination and monitoring for suitability of textbooks and materials presently in use in the schools; recommending suitable materials related to minority cultures, women and the disabled; development of human rights materials and programs; and teacher training.
- 233 The Human Rights Commission was represented on the Sub-Committee on Learning Materials. This sub-committee has published "Guidelines to Eradicate Prejudice, Bias and Stereotyping in Textbooks". These guidelines have been distributed to all persons who review textbooks for the Department of Education, prior to their inclusion in the school curriculum.
- 234 Affirmative action in housing was initiated by the Human Rights Commission in Nova Scotia as far back as 1973, when the Minister of Housing, the minister responsible for the administration of the Human Rights Act and the President of the Nova Scotia Real Estate Association signed a "Declaration of Fair Housing Practices". The Real Estate Association, representing an overwhelming majority of real estate brokers and salespersons has pledged its commitment to uphold the principles of 'fair housing' enunciated in the agreement.

This agreement includes: an adoption of a policy of non-discrimination whereby decisions will be made without reference to questions of race, colour, religion, creed, sex, ethnic or national origin; acceptance of property listings on an unrestricted basis without reference to the above-mentioned factors of race, etc; and an undertaking to use the educational and conciliation services of the Human Rights Commission in order to promote full and equal housing opportunity for all members of the public. 235

In May 1982, the Association of Nova Scotia Housing Authorities (whose members are responsible for the administration of all public housing in Nova Scotia), made a formal commitment to the principle of equal access to public housing. In the 'Declaration of Fair Housing Practices', the Association also pledged its support to the Human Rights Commission in monitoring, controlling and eliminating activities of identifiable hate groups. 236

There are 15 affirmative action community committees now active throughout the province. The committees promote the theme that 'Human Rights is Everybody's Business'. The committees work at the community level to encourage the development of affirmative action plans in employment, education and housing. 237

Membership in the committees include representation from municipal governments, labour, business and industry, the clergy, the education system, racial and ethnic minorities, women's groups and the disabled groups. Working on minimal grants from the operating budget of the Human Rights Commission, this cross-section of the population involves the major sectors of the community in meaningful dialogue and positive action to create a climate of respect for the dignity and rights of all Nova Scotians. 238

Human Rights problems are intricately intermeshed with the problems of the economic system, unemployment, poverty, limited cultural attainment, education, mental health, slum housing and urban renewal. Community affirmative action committees, therefore, operate on the premise that their planning process should be broader than the immediate concerns of the committee members. The committees also recognize that, while they are responsible for having the goals defined, the entire community should be involved in the process, so that it will not seem that a few people have imposed their objectives upon the community. Involvement of as many members of the public as possible is consistent with the theme that 'Human Rights is Everybody's Business'. 239

## ONTARIO\*

- 240 Following are the policies, programs and activities of the Government of Ontario that were conducted between June 1982 and June 1983. This information will update the material found in Canada's Sixth Report.

### CABINET COMMITTEE ON RACE RELATIONS

- 241 In Ontario's contribution to Canada's 6th Report, reference was made to the establishment of a Cabinet Committee on Race Relations. This Committee was without precedent when it was established in late 1979, and still appears to be unique.
- 242 Since the preparation of Canada's 6th Report, the Cabinet Committee on Race Relations had made significant progress in a number of areas. Quite apart from these specific endeavours, one of the most important continuing achievements of the Cabinet Committee flows from the high profile its existence gives to race relations. Several of the specific achievements are outlined below.

#### 1. Policy Statement on Race Relations

- 243 The Government of Ontario has adopted a statement, drafted by the Cabinet Committee on Race Relations, setting out the Government's policies on race relations. Nearly 100,000 copies of this statement, printed on high-quality paper suitable for framing, have been distributed throughout Ontario. In particular, a copy has been made available for every classroom in the Province. The statement has been printed in English and French.
- 244 On Human Rights Day, December 10, 1982, the Premier of Ontario, the Honourable William G. Davis, made a formal statement in the Ontario Legislature concerning the Policy Statement. Subsequently, on June 14, 1983, the Premier and the Attorney General, who is Chairman of the Cabinet Committee on Race Relations, participated in a ceremony at which a permanent display of the Policy Statement was unveiled in the Legislative Assembly of Ontario. The Statement has been mounted on a pedestal just outside the doors leading into the Legislative Assembly. It occupies a place of great prominence where it is viewed by members of the public who visit the Legislature individually or as part of group tours.

#### 2. Task Force on the Portrayal of Racial Diversity in Government Advertising and Communications

- 245 In 1981, the Cabinet Committee on Race Relations successfully proposed to the Government of Ontario that a task force be established to study concerns which had been raised about the low numbers of visible minorities portrayed in government advertising and communications. The Task Force issued a 50-page report in the summer of 1982. The report contained a detailed analysis of all aspects of the problems, together with two major research studies and a number of recommendations.
- 246 Having investigated all aspects of the advertising and communications business, the Task Force concluded that there were no practical barriers to the implementation of a policy of accurate portrayals of the Ontario mosaic in

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\* Report prepared by the Government of Ontario.

government advertising and communications. Research commissioned by the Task Force found that white audiences reacted no differently to commercials which included visible minority actors. As well, research showed a significant public desire for increased representation of visible minorities in government advertising and communications. Very little opposition was found.

On the recommendation of the Cabinet Committee on Race Relations, the Government of Ontario established a policy in the fall of 1982 that all government advertising and communications should portray the racial and ethnic diversity of Ontario. Additionally, the Government directed that the Task Force stay in existence to assist the Cabinet Committee on Race Relations in monitoring the effective implementation of the new policy. 247

Since then, the Task Force has met regularly to review all advertising and communications produced by the Government, its agencies, boards and commissions. On two occasions, the Task Force has had formal meetings with members of visible minority communities at which their views on government advertising, and the review process, have been solicited. The Task Force intends to involve community members on a regular basis in the review of government advertising and communications. 248

### 3. Equal opportunity in the Civil Service

As a result of concerns expressed by some visible minority government employees, the Cabinet Committee on Race Relations decided that initiatives to explore equal opportunity in the Civil Service should be given a high priority. 249

Pilot initiatives are under way to determine whether non-whites are indeed under-represented or under-utilized in certain sectors of the public service. It is the view of the Cabinet Committee on Race Relations that if these initiatives are successful, they might be expanded to include a review of policies and practices that affect recruitment and advancement in order to ensure equal employment opportunity in the Civil Service. 250

### 4. Minority Youth Unemployment

The Cabinet Committee on Race Relations has recognized the central importance of this issue to race relations in Ontario. It has made a number of recommendations to the Cabinet Committee on Manpower, which establishes policy on a variety of issues affecting employment. As well, the Cabinet Committee on Race Relations has communicated with the federal government on this issue. 251

The main thrust of the initiatives in this area has been to encourage and support the participation of visible minority youth on job creation programs, job training programs, and apprenticeship programs. As well, arrangements have been made to involve senior race relations personnel in an intensive review being undertaken of the government's youth employment programs. 252

### 5. Publicly-Assisted Housing in Ontario

In 1983, a Task Force on Race Relations and Publicly-Assisted Housing was established by the Cabinet Committee on Race Relations to explore race relations issues arising in publicly-assisted housing projects, and to report its findings and recommendations to the Cabinet Committee on Race Relations. 253

- 254 The Task Force is composed of officials from four ministries and the Ontario Human Rights Commission. Their mandate is to carry out a review of the policies and administrative procedures of the Metropolitan Toronto Housing Authority insofar as they affect the race relations climate.
- 255 In reviewing the race relations climate in publicly-assisted housing, the Committee is to ascertain whether perceptions of potential difficulties and concerns are sufficiently well-grounded to merit specific action being taken.
- 256 To date the Committee has met with the Chairman of the Metropolitan Toronto Housing Authority and its administrative officers. Also, several large, high density housing projects have been visited where a good cross-section of the ethnic population residing in publicly-assisted housing has residence. The Task Force has submitted invitations to some 300 tenant organizations and community groups asking for submissions with regard to race relations in their projects. Consultations have been held with a number of these.

#### **6. Task Force on Education and Race Relations**

- 257 As a result of an initiative of officials reporting to the member-ministries of the Cabinet Committee on Race Relations, the Ministry of Education has authorized a study of the need for race relations training in the education system. The study, which has just been commenced, will have major significance for the race relations climate in Ontario in the long term.

#### **Ontario Human Rights Commission**

- 258 The new Ontario Human Rights Code was proclaimed in June 1982 formally establishing a Race Relations Division, headed by a Commissioner for Race Relations, within the Ontario Human Rights Commission. Amendments were made to the legislation to combat racial harassment, both in the workplace and in housing accommodation. In addition to the already existing provisions which prohibit discrimination in employment, housing and services, goods, and facilities, the new Code also prohibits discrimination in contracts. The Code specifies that prohibited discrimination includes constructive or non-intentional discrimination.
- 259 New provisions of the Code provided the Commission, through its newly-established Race Relations Division, with the following responsibilities:
- (f) to inquire into incidents of and conditions leading or tending to lead to tension or conflict based upon identification by a prohibited ground of discrimination and take appropriate action to eliminate the source of tension or conflict;
  - (g) to initiate investigations into problems based upon identification by a prohibited ground of discrimination that may arise in a community, and encourage and co-ordinate plans, programs and activities to reduce or prevent such problems;
  - (h) to promote, assist and encourage public, municipal or private agencies, organizations, groups or persons to engage in programs to alleviate tension and conflicts based upon identification by a prohibited ground of discrimination;

Between April 1982 and April 1983, 229 complaints alleging racial discrimination in contravention of the Human Rights Code were initiated with the Human Rights Commission. The majority of these complaints alleged discrimination in employment. Complaints were resolved in a variety of ways including financial compensation, job offers, reviews of company practices and policies, and race relations seminars in the workplace. 260

### Program Initiatives

In response to concerns regarding the high youth unemployment rate in particular locations in Metropolitan Toronto and its disparate negative impact upon visible minorities resident in these locations, the Race Relations Division, with the funding assistance of the Ontario Youth Secretariat, sponsored in the summer of 1982 and again in the summer of 1983, a special summer youth employment program. 261

The program is designed to provide a multiracial group of 110 youth, disadvantaged by socio-economic or educational status, a first summer job experience. The unique feature to the program includes life and job skills enrichments in addition to the work experience. 262

At the suggestion of the Division, the Metropolitan Toronto Police agreed to model a youth employment program after the Division's Summer Youth Employment Program. It is also being funded by the Ontario Youth Secretariat. Some 35 youths from various racial and ethnic backgrounds work under the supervision of the police with the seniors population. 263

### WORKING WITH INSTITUTIONS

#### Police/Minority Relations

The Division continued to assist in the development of resource materials to be used in police training in race relations. The staff of the Division is preparing a "police/minority relations" section for the proposed police text book on race relations that is being developed by a committee of police departments and the Ontario Police College. This committee developed from a conference on police training and race relations that was co-sponsored by the Ontario Police Commission and the Division. 264

#### Media/Minority Relations

In 1982, tensions developed between the management of a radio station and Toronto minority communities when a staff member made some derogatory remarks on the air. The Division, with the assistance of community group members, the Municipality of Metropolitan Toronto and the Ethnic Relations Unit of the Metropolitan Toronto Police, was able to mediate the conflict. As a result of the Commission's intervention in this sensitive matter and the enlightened approach taken by management, an Advisory Board was established, composed of community representatives and staff of the radio station. The Advisory Board is assisting the station to develop greater awareness and sensitivity to the multi-racial and multi-ethnic nature of its radio audience. Various projects are underway to foster improved race relations between the radio station, the minority community and the broader community in general. 265

### Education

- 266 In its continuing efforts to sensitize people in the area of education, the Race Relations Division co-sponsored a conference in Windsor with the Windsor Board of Education. The theme was, "Confronting Racism in Schools and Classrooms". Other conferences are planned for different regions of the province.
- 267 The Division and the Hamilton Board of Education have co-sponsored a curriculum development project designed for Grades 9 and 10 on the subject of prejudice, discrimination and racism. The purpose of this project is to develop core curriculum materials that will be field-tested in classrooms over a period of two years.

### Business and Industry

- 268 The Division designed a handbook to be used by employers in the promotion of equal employment opportunity and positive race relations in the workplace. The handbook was prepared for management personnel, to assist them to establish equal employment opportunity practices.

### Meeting Special Needs

- 269 As a new initiative for fiscal year 1982-83, the Race Relations Division began hosting a series of consultations with minority communities. The main purpose of the consultations is to identify issues and concerns of importance in the communities and to direct these concerns to the appropriate agencies, individuals or institutions for action.
- 270 To date, the Race Relations Commissioner and other members of the Division have held three consultations, one with the Philipino community, another with the Chinese community and the third with the Korean community.
- 271 At all three consultations, the representatives of a wide variety of groups and organizations met with members of the Division to discuss issues and concerns relating to employment, education, housing and social services. Workshop discussions were held and recommendations formulated.

### Research and Publications

- 272 Two Division-sponsored research projects were completed in 1983. In January of 1983, a study done for the Division by the York University Institute of Behavioural Studies entitled, "Visible Minority Business in Metropolitan Toronto: An Exploratory Analysis", was released. The study examined the experiences of visible minority business entrepreneurs in the Canadian business environment. The experiences of these entrepreneurs were contrasted with those of similar mainstream business operators.
- 273 Similarly, the Division tried to develop an understanding of the career paths of visible minority M.B.A. graduates of Ontario universities by comparing their progress against M.B.A. graduates from mainstream backgrounds through a Division-sponsored Queen's University study released in June of 1983. In both the York University and Queen's University studies, the influence of the racial dimension on business success was specifically examined.

(1) Education: Activities of the Ministry of Education and The Ministry of Colleges and Universities

(a) Learning Materials

The Ministry of Education continues to ensure that the learning materials used in Ontario schools reflect fairly and accurately the reality of Canada's multicultural society and are free from racial, religious and cultural bias and prejudice through 274

- (i) the distribution of its publication, Race, Religion, and Culture In Ontario School Materials, to authors and publishers and all others involved in the development of school materials;
- (ii) the evaluation of texts for various forms of bias using the criteria in the above-mentioned publication;
- (iii) the provision of complimentary copies to schools of all newly approved items through the Book Purchase Plan;
- (iv) the provision of funds for multicultural learning materials relating to interracial and intercultural understanding through the Learning Materials Development Fund;
- (v) the evaluation of all Ministry curriculum documents and other publications for bias and prejudice and for accuracy in depicting the reality of our multicultural society in illustrations and pictorial material.

A practical suggestion book for intercultural activity in the primary and junior classroom, "Multiculturalism in Action", is in its third printing with an up-dated resource list. It is designed to assist teachers in carrying out the multicultural concept. The overall approach is to regard multiculturalism as a dimension of all curricula rather than an isolated subject area. However, in addition to this approach, intermediate history guidelines provide for the study of "Our Multicultural Heritage" by a number of possible areas of interest, through community study or group identity. 275

The Ministry of Education published in 1983 a resource guide for teachers entitled, Black Studies. It is designed to assist teachers in integrating the Black Canadian experience and heritage across the curriculum and in developing a sense of identity and a positive self concept for Black students. 276

(b) Student Leadership Training

The Ontario Multicultural, Multiracial Student Leadership Seminar is conducted annually by the Ministry of Education as a part of a joint effort with school boards across the province to develop constructive leadership skills in secondary school students. The Ministry's 5-day seminar, initiated in 1978, is a live-in experience at the Ontario Student Leadership Centre and involves 96 to 100 pupils reflecting the racial mix of the schools they represent, 8 supervisory teachers and 12 facilitators. A variety of innovative follow-up programs in the schools have resulted. 277

**(c) Heritage Languages Program**

- 278 As part of its multicultural policy, the Ministry of Education introduced in 1977 the Heritage Languages Program to maintain and develop the valuable language skills of our multicultural community. In the 1981-82 school year, 81,933 elementary school students across the province studied 49 languages at a cost to the Ministry of approximately \$6.8 million. There has been a steady growth in the number of languages, students and participating school boards.
- 279 Present regulations provide for the teaching of modern languages for secondary school credit purposes. School boards may develop courses from existing guidelines or, where none presently exist, submit for approval locally developed secondary school courses which adhere to the regulations governing experimental courses.
- 280 The Education Act also permits transitional use of the student's home language in the process of learning the language of the school.

**(d) Language needs**

- 281 The Ministry of Education has also given attention to language needs in providing assistance in learning the two official languages of Canada, English and French.
- 282 The Ministry of Education and the Ministry of Culture and Recreation co-operated in the preparation and production of an English as a Second Language Resource Guide which has been widely distributed, with copies sent to every school in the province.
- 283 The English as a Second Language/Dialect curriculum guideline for the Intermediate and Senior divisions has been supplemented by three support documents in the "Curriculum Ideas for Teachers" series.
- 284 Through the language instruction weighting factor additional grants are made available to school boards to offset the cost of providing additional language instruction for pupils whose first language is neither English nor French.
- 285 The compensatory education weighting factor has been used in part as a means of facilitating school boards which recognize responsibilities for meeting the adjustment needs of immigrant students.
- 286 School boards also provide evening courses in Citizenship and Language instruction for landed immigrants.

**(e) Provincial Reviews**

- 287 In support of its policy of equality of educational opportunity, the Ministry of Education has conducted two reviews of Multicultural education policy and related implementation procedures. In 1979-80 a provincial review, based on a selected sample of schools in the province, examined the extent to which the Ministry's multicultural policies have been communicated to educators at the primary/junior level. In 1980-81, the phase two review assessed the extent to which equality of educational opportunity is being realized by a selected sample of immigrant students who have been in Canada less than two years and

are enrolled in the Intermediate and Senior divisions. The information obtained from these provincial reviews gives direction to the Ministry in the development and implementation of policies to enhance the learning environment for all students in the province. Other methodologies are being used to investigate perceptions of schooling by immigrants and ethnic group members.

**(f) Post-secondary Loans and Grants**

The government's policy of equality of educational opportunity provides for post-secondary educational opportunities for every qualified individual in Ontario. Financial assistance in the way of loans and grants are equally available to landed immigrants and Canadian citizens who wish to pursue a post-secondary education at one of Ontario's provincially-assisted universities, Ryerson Polytechnical Institute or the Ontario College of Art. 288

**(g) Research**

A number of research projects have been sponsored through the Ministry of Education's grants in aid of educational research: for example, the study related to "School and Community Co-operation in a Program to Assist the Immigrant Student" (Henderson and Silverman), the study of "Factors Affecting the Integration of West Indian Students into the School System" (Virgin et al.), and the study of "Testing, Assessment, Counselling and Placement of Ethnic Minority Students" (Samuda and Crawford). 289

The Ministry has also published, in both English and French, a Review and Evaluation Bulletin "Special Populations in Education - A Description of Their Finance and Organization in Ontario". This publication was prepared for The Centre for Educational Research and Innovation, Organization for Economic Cooperation and Development. 290

**(h) Race Relations Policy**

In 1983 The Ministry of Education and Ministry of Colleges and Universities distributed over 62,000 posters of the Government of Ontario Policy Statement on Race Relations to schools, colleges and universities across the province. At the same time School Boards were encouraged to develop race relations policies and programs, and staff and students were urged to work together to develop race relations programs. 291

The Ministry of Education is represented on the Staff Working Group of the Cabinet Committee on Race Relations. The Ministry also maintains informal liaison with the Race Relations Division of the Ontario Human Rights Commission. An internal communication network is maintained for the dissemination of information pertaining to race relations. 292

The Multiculturalism and Heritage Languages Functional Team in the Central Regional Office of the Ministry of Education gives leadership in a number of ways. Recent meetings of this group featured presentations by the Race Relations advisors from the Toronto and North York Boards of Education as well as school visits to observe Race Relations programs and services. The Regional Office team also performs a liaison function with the local school boards in matters dealing with race relations. 293

**(i) Native People's Education**

- 294 Amendments to the Education Act have been made to facilitate the involvement of Indian band councils and education authorities in tuition agreements with local school boards.
- 295 A Native language policy is currently at the proposal stage. The proposal is recommending the recognition of Native languages as authorized subjects of instruction in Ontario schools.
- 296 With the release of a curriculum guideline for the senior division in separate English and French versions, the People of Native Ancestry series of curricular materials are complete for the primary, junior, intermediate and senior divisions.
- 297 Implementation of the supplementary kit 'Touch A Child' continues.
- 298 The 1983 summer session of the Native Counsellor's Training Program marks the seventh summer that the program has been offered. It continues to be co-sponsored by the Ministry of Education and the federal Department of Indian and Northern Affairs. Since the program was first offered in the summer of 1977, sixty-four Native people have received the Native Counsellor's Certificate.
- 299 The Campus Employment Program for Native Students has been offered since the summer of 1975. In 1983, there are 170 secondary school students employed from all across Ontario, at eleven community colleges and four universities. The summer program for Native students has evolved into an opportunity for the secondary school Native student to become acquainted with a post-secondary institution, with the hope of a) encouraging the student to eventually undertake a College of Applied Arts and Technology or university education and b) through familiarity with the post-secondary environment, better enabling the Native student to overcome the double culture shock and remain in the post-secondary institution to completion.

**(j) International Educator Exchange Programs**

- 300 Under an Educator Exchange program with France, a group of four second-language teachers on exchange from France taught French in Ontario schools, while four Ontario teachers of French as a second language taught English in French schools, during each year.
- 301 During 1982-83, nineteen Ontario teachers and one Ontario vice-principal travelled to the United Kingdom and 10 Ontario teachers travelled to the United States under educator-exchange programs co-ordinated by the Canadian Exchange Association, the League for the Exchange of Commonwealth Teachers, and the U.S. Office of Education.
- 302 There were also 39 Australian teachers and two Australian education officials on exchange in Ontario and an equivalent number of Ontario teachers and officials located in Australia during each year.
- 303 During 1982-83 exchanges were completed with the following countries: Bermuda (1); Netherlands (1); New Zealand (1). In 1982-83, three exchanges were completed with Switzerland.

(k) The Skills Development Division of the Ministry of Colleges and Universities instituted an Internal Training Program for Branch Field Staff to create an increased awareness of training opportunities, and of the need to identify and give counselling in regard to the special needs of visible minorities. 304

There has been greater utilization of community-based ethnic agencies to offer pre-employment training or academic upgrading in a culturally compatible environment. 305

Additional measures have been taken to enable candidates experiencing language or documentation difficulties to qualify for examinations leading to certification. 306

For example, practical skill tests are now available in 21 languages; progressive achievement tests are administered to equate actual operating levels of knowledge with formal education. 307

In addition, the Ministry of Education continued to conduct the special projects discussed on pages 63-66 of the Sixth Report. 308

#### Ministry of Citizenship and Culture

Part of the mandate of the Ministry of Citizenship and Culture is to encourage full, equal and responsible citizenship among the residents of Ontario. To meet this broad goal the Ministry's Multiculturalism and Citizenship Division has established a variety of programs which foster intergroup understanding and encourage harmonious relationships within and between the diverse ethnocultural groups resident in the province. Among the activities supported by this Division are: 309

- . community orientation and citizenship preparation classes for adult newcomers and refugees;
- . projects that increase understanding, appreciation and respect for the province's ethnically diverse population and encourage cultural sharing among different ethnocultural communities;
- . community classes in English or French as a second language for adult immigrants to enable them to function effectively within Ontario;
- . measures ensuring that cultural differences do not become barriers to gaining access to the services of the Ontario Government;
- . projects encouraging the social, cultural and economic advancement of Ontario's Native population, i.e. status and non-status Indians and Métis;
- . reception services for immigrants and refugees;
- . leadership training and organizational development for groups involved in citizenship and culture, including ethnocultural organizations;

- . financial assistance for heritage-retention activities and cultural-sharing projects;
- . assistance to government departments to enable them to serve a multicultural clientele better;
- . print and audio/visual materials on multiculturalism.



# GOVERNMENT OF ONTARIO POLICY STATEMENT ON RACE RELATIONS

**T**he Government of Ontario believes that the primary responsibility for creating a society of equals lies with each and every citizen. It also recognizes the importance of decisive and articulate public leadership in the pursuit of harmony and equality between cultures and races.

The Government has for many years valued and fostered the development in Ontario of a multicultural and multiracial society. The resulting racial and ethnic diversity has enriched the lives of all Ontario residents, but nonetheless is contradicted by acts of racial discrimination and by racial disadvantage.

Accordingly, the Government wishes at this time to rearticulate its policies on race relations, and to reinforce its long-standing commitment to the creation of a society characterized by equality of treatment and opportunity.

Therefore, the Government reconfirms and declares:

**I RACISM IN ANY FORM IS NOT TOLERATED IN ONTARIO.**

**II EVERY PERSON IN ONTARIO HAS THE RIGHT TO AN EQUAL OPPORTUNITY TO ENJOY LIFE, WORK AND LEISURE IN THIS PROVINCE WITHOUT BEING AFFECTED BY RACIAL DISCRIMINATION OR RACIAL PREJUDICE.**

**III DOCTRINES OF RACIAL SUPERIORITY BEING SCIENTIFICALLY FALSE AND MORALLY REPREHENSIBLE, HAVE NO PLACE IN ONTARIO.**

**IV THE GOVERNMENT WILL WORK TOWARDS THE ELIMINATION OF RACIAL PREJUDICE BY SECURING UNDERSTANDING AND RESPECT FOR THE DIGNITY OF THE HUMAN PERSON.**

**V ACTS OF RACIAL DISCRIMINATION WILL BE MET WITH THE EFFECTIVE ENFORCEMENT OF THE ONTARIO HUMAN RIGHTS CODE AND WITH THE DEVELOPMENT, WHENEVER NEEDED, OF NEW LEGISLATIVE INITIATIVES.**

**VI RACIALLY MOTIVATED OFFENCES WILL BE MET WITH THE FULL FORCE OF THE LAW TO ENSURE THE PROTECTION OF THE PERSONAL SAFETY AND DIGNITY OF ALL PERSONS IN ONTARIO.**

The Government calls on every person of goodwill to work together and with the Government for a society in which equality provides the opportunity for each man, woman and child to achieve his or her maximum potential for the greater good.



*William Hall*  
PREMIER

*Raymond*  
ATTORNEY GENERAL

*R. H. Gorman*  
MINISTER OF LABOUR

QUÉBEC\*

- 310 The Québec government undertook to comply with the International Convention on the Elimination of All Forms of Racial Discrimination by adopting decree No. 1471-78, attached as Appendix I, on May 10, 1978.

1. INTRODUCTION

- 311 Québec's last report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination covered the period from August 1979 to July 1982 (Report of the Government of Québec, Dec 1982, pp. 76-103). In view of the relatively short amount of time that has elapsed since then, this report will merely provide further information on certain questions sketched out in the earlier document, as it appeared when the report was prepared in October 1983.
- 312 In demographic terms, for example, 20,915 people immigrated to Québec during 1982, representing 17.6 per cent of the total immigration into Canada. Of this number 3,284 came from Haiti, 1,804 from France, 1,299 from Vietnam, 980 from Poland, 897 from Cambodia, 859 from the United States, 754 from England and 496 from El Salvador, the majority being refugees on humanitarian grounds.
- 313 However, the most significant fact concerning human rights in Québec since July 1982 is without doubt the unanimous passage by the National Assembly, on December 18, 1982, of Bill 86, An Act to amend the Charter of Human Rights and Freedoms (SQ 1982, c 61) copy of which is being forwarded to the Secretary-General with the present report.
- 314 Consequently, most of this report is devoted to the implications of the Québec legislature's enactment of these amendments to the Charter on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in Québec.
- 315 Secondly, we shall also discuss specific activities of the Commission des droits de la personne (Human Rights Commission) and of certain departments to promote the rights of individuals or of minority groups.

2. IMPLICATIONS OF THE AMENDMENTS TO THE CHARTER ON THE IMPLEMENTATION IN QUÉBEC OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

- 316 Approximately six years after the Québec Charter of Human Rights and Freedoms (RSQ c C-12) came into force, the Standing Committee on Justice, convened in October 1981, assessed the few shortcomings of this fundamental act.
- 317 In addition to the Human Rights Commission, close to 70 groups and organizations as well as individuals presented briefs containing suggestions and modifications. After examining these documents, in particular the recommendations of the Québec Human Rights Commission, the Standing Committee tabled Bill 86, An Act to amend the Charter of Human Rights and Freedoms (S.Q. 1982, c. 61), in the National Assembly in June 1982.

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\* Report prepared by the Government of Québec.

## 2.1 Principal amendments

This Act first extends the precedence of the Charter of Human Rights and Freedoms to embrace the rights and freedoms contemplated in sections 1 to 8, in particular section 4, which recognizes that "every person has a right to the safeguard of his dignity, honour and reputation". The precedence of the Charter will operate with regard to all the provisions of the laws of Québec, whether they were enacted before or after the Charter, unless those enacted thereafter expressly state that they apply despite the Charter. 318

Of the new provisions introduced into the Charter we shall examine in particular those dealing with racial discrimination under the terms of the Convention: 319

- prohibition of harassment based on any of the unlawful grounds for discrimination, including race, colour and ethnic or national origin;
- prohibition against requiring job applicants to give any information pertaining to their race, colour or ethnic or national origin, inter alia, unless such information is useful for certain situations specified in section 20 of the Charter of Human Rights and Freedoms or in the development of an affirmative action program;
- prohibition against attempting to take or taking reprisals against a person, a group of persons or an organization who or which has, in good faith, requested an investigation because they have reason to believe there exists a situation of unlawful discrimination based on race, colour or ethnic or national origin, inter alia.

Furthermore, the Human Rights Commission may henceforth itself obtain an injunction and itself institute penal proceedings against any person who has contravened the sections of the Charter dealing, inter alia, with discrimination based on race, colour and ethnic or national origin, in the various areas of life in society. Prior to this amendment the Human Rights Commission merely reported to the Attorney General any facts it felt might constitute an offence. 320

## 2.2 Affirmative action programs

However, the most important of these amendments deals with the establishment of affirmative action programs. The object of such programs is to remedy the situation of persons belonging to minority groups owing to their race, colour, ethnic or national origin or sex who are discriminated against in employment or in the sector of education or of health services and other services generally available to the public. Such programs may be introduced voluntarily after they have been approved by the Human Rights Commission; they may also be recommended by the latter following investigation or be imposed by a court upon presentation of evidence of discrimination against a particular group. 321

Under the Charter of Human Rights and Freedoms the Québec government for its part must implement affirmative action programs in its various departments and agencies. 322

323 After these amendments to the Charter have come into force, affirmative action programs will play an important part in the activities of the Human Rights Commission.

324 This importance is due to the fact that in many of the cases dealt with by the Commission it turned out that the discriminatory practices were systemic and that discrimination often exists where there is no malicious intention. It is usually the result of a set of practices which appear to treat everyone equally but which have the effect of excluding certain groups. Examples include the height requirements for certain jobs, which exclude individuals belonging to certain ethnic groups, among others. It is sufficient to look at the proportion of racial or ethnic minorities in certain public organizations such as the police to appreciate the negative consequences of the recruitment criteria on minority or Native groups.

325 Consequently, the importance of implementing affirmative action programs, in particular for minority groups such as Natives, blacks or other racial or ethnic minorities, does not need further demonstration.

### 3. MEASURES TAKEN BY CERTAIN QUÉBEC GOVERNMENT DEPARTMENTS TO ASSIST THE MEMBERS OF CULTURAL COMMUNITIES

#### 3.1 Civil Service Department

326 On May 19, 1982 the Government of Québec adopted regulations amending the Staffing Regulations. These regulations, which were approved by the Treasury Board under the Civil Service Act, were published in the Québec Official Gazette of September 15, 1982 (pp. 3838-39) as CT 140824 of August 30, 1982. Copy is being forwarded to the Secretary-General with this report.

327 Pursuant to the provisions of these regulations, the civil service personnel recruitment and selection board gives priority in recruitment or promotion competitions to members of cultural communities found to be "qualified at the first level", that is, who have met all the requirements for the job but who are outmatched by other candidates within this first level.

328 In another division of the same regulations it is provided that the civil service personnel recruitment and selection board may, as part of an affirmative action program, limit eligibility for a competition to members of cultural communities; these are referred to as "restricted competitions".

#### 3.2 Department of Social Affairs

329 On June 30, 1983 the Québec Minister of Social Affairs, in co-operation with the Minister of Cultural Communities and Immigration, announced that all persons awaiting refugee status would be eligible for free, universal health care. Similar decisions had been made in the past with respect to individuals in distress living in Québec, such as refugees from the Nigerian war and, more recently, Vietnamese refugees.

#### 3.3 Department of Cultural Communities and Immigration

330 In April 1983 approximately 150 women, both Quebecers and immigrants, representing some 15 cultural communities and several Québec women's organizations,

met at a symposium having the theme "Dialogues de femmes d'ici et d'ailleurs" (dialogues between women from here and elsewhere). This symposium was subsidized in part by the Department of Cultural Communities and Immigration and enabled participants to develop themes in workshops, attempting to help women from here and elsewhere get to know one another better through exchanges on subjects of concern to all of them, wherever they might be: education of children, living and working conditions, adaptation to the community, and so on.

In addition, a spokesman for the Minister of Cultural Communities and Immigration announced at the symposium organized by the Association des journalistes ethniques du Québec (Québec association of ethnic journalists) in September 1983 the establishment of a prize of \$15,000 to be awarded to someone who had helped to bring communities together or to develop his/her community of origin. 331

### **3.4 Department of Communications**

Furthermore, the Minister of Communications indicated at the symposium mentioned in section 3.3 above that there had been a 19 per cent increase (to \$97,500) in 1982-83 in the funds allocated by the Government of Québec to developing the ethnic media. 332

## **4. VARIOUS MEASURES FOR PROTECTING AND PROMOTING THE RIGHTS OF PERSONS BELONGING TO MINORITY GROUPS**

### **4.1 Measures for protecting rights**

The Human Rights Commission's intervention was decisive in a number of matters in this area. There were 62 investigations initiated in 1982 concerning discrimination on the basis of race, colour and ethnic or national origin, 33 of which related to employment and 16 to housing. These figures represent a decline in comparison with previous years but do not necessarily mean that discrimination based on such grounds is becoming increasingly rare. The decline is explained in part by the difficulty of proving discrimination, which is often disguised, and possibly by the length of the investigations. This problem will be resolved by the anticipated increase in the Commission's staff. 333

A major investigation into racial tensions in the taxi industry has been a priority for the Human Rights Commission for almost a year. As indicated in the previous report, the Human Rights Commission decided to hold a public inquiry on its own initiative, as it is authorized to do under section 73 of the Charter of Human Rights and Freedoms. Individual complaints made to the Human Rights Commission initially alleged discrimination against black taxi drivers working for certain companies: discriminatory distribution of fares since some were not assigned to Haitian drivers, at the request of the customers. Subsequently, during the summer of 1982, the Commission received a complaint alleging that some twenty Haitian drivers working for a particular company had not had their contracts renewed. 334

The Commission was therefore led to investigate not only specific events and individual situations but also the institutional aspects of discrimination. 335

- 336 During the fall of 1982 the Commission first set up a committee of inquiry composed of two commissioners of the Human Rights Commission and one former commissioner and lawyer. This committee, which was assisted in its work by several members of the Human Rights Commission staff, first established procedural rules governing the inquiry and determined a timetable.
- 337 The public hearings, which began on January 13, 1983, are still continuing. The committee held several sessions in camera before commencing the public hearings and conducted a detailed investigation into the various geographical areas on Montréal Island. The press gave this matter considerable coverage and the public was kept informed of any developments.
- 338 On the basis of testimony and documentary evidence that were difficult to refute, the Human Rights Commission concluded in its preliminary report that taxi drivers of Haitian origin had systematically been and still were the victims of racist practices, at least in the northeastern part of Montréal Island. Finding the situation to be somewhat serious, the committee of inquiry proposed an urgent plan of action for this area, pending the submission of final findings and recommendations for the taxi industry in the Montréal Urban Community as a whole.
- 339 A list of cultural community leaders, indicating their political affiliation, was prepared by the Department of Cultural Communities and Immigration in 1979 and made public in November 1982. The Québec government authorities regarded the preparation of such a list as an isolated measure of which they disapproved. An analysis by the Commission confirmed, moreover, that this list had not been used as a basis for discrimination in matters of government grants or appointments of the persons concerned within certain organizations.

#### 4.2 Measures for promoting rights

##### 4.2.1 Joint activities of the Human Rights Commission and the Department of Education

- 340 In the area of promoting an awareness of and respect for the rights of others, the Human Rights Commission published, in co-operation with the Department of Education, a guide to the Charter of Human Rights and Freedoms directed toward young school children and entitled "Young, Equal in Rights and Responsible".
- 341 Over 450,000 copies of this guide were distributed, 55,000 of them in English, through the Department of Education's Communications Branch. Publication of the guide was made possible through grants from the Departments of Education and Justice.
- 342 In June 1982 some 250 secondary schools organized activities in connection with the publication of the guide - promotions, workshops, plays, theme days, and so on.
- 343 The general objective of the guide can be summarized as follows:
- (a) to propose to the schools a model for relationships based on the principle of equal rights of young people and adults, and among young people themselves, and on mutual recognition and exercise of fundamental rights;

- (b) to promote among students the development of competence in affirming their individual and collective fundamental rights and assuming control of them in order to exercise them concretely.

As regards the right of an individual to be treated equally regardless of his/her race, colour or ethnic or national origin, the guide gives brief definitions of the terms race, colour and ethnic or national origin and explains that racial discrimination is unlawful conduct which deprives a person of a right or liberty owing to his/her identification with a particular group, such as blacks, immigrants or Jews, for example. 344

The guide then draws the reader's attention to a list of factors to keep an eye on: 345

- . the various psychometric assessment tests
- . academic and vocational guidance
- . evaluation of learning
- . representation of various ethnic groups and visible minorities in teaching materials
- . racist stereotypes transmitted by school textbooks
- . representation of minority groups within the staff
- . educational publicity
- . insults, derision, provocation and offensive remarks
- . refusal to communicate with certain students belonging to minorities
- . writing on walls, posters, graffiti
- . a lack of attention, less attention or disinterest with respect to certain students belonging to minorities
- . ethnic jokes.

#### **4.2.2 Intercultural education**

It should also be noted that on April 15, 1983 the Superior Council of Education adopted a notice to the Minister of Education reminding educational institutions of the "new challenge to develop an intercultural education the basic principles of which are to learn to integrate and accept and learn to become integrated and become accepted", copy of which is being forwarded to the Secretary-General with this report. 346

The council's recommendations read as follows: 347

1. That, in addition to the fight against racist or ethnic stereotypes, the positive aspects of the cultural values of the components of the Québec population be emphasized, either through pedagogical materials or teaching or through training and development for teaching staff.

2. That the school boards and schools consult the ethno-cultural communities on the best means of promoting integration and acceptance.
3. That the school boards and schools take the necessary steps to ensure that all ethno-cultural groups participate in school life, either through artistic or religious events, "ethno-cultural days" or other activities or through their presence on school committees.
4. That schools that are located in communities made up of various ethno-cultural groups embark on educational projects that take into consideration not only the integration of young people into school life but also respect for their values, whether through the various subjects, through extracurricular activities or through co-operation with the parents.
5. That teaching staff be encouraged to participate in the activities of cultural associations and in training sessions or workshops, either with such associations or with centres specializing in intercultural education.
6. That the Department of Education and the organizations administering the education system make the necessary arrangements, in consultation with the parents, to hire and keep teaching and non-teaching personnel from various ethno-cultural groups, where the well-being of the students so requires.
7. That practices which promote the reception and integration of children into Québec life and schools be maintained, developed and diversified.
8. That students who have had the benefit of orientation classes receive special "post-reception" attention in the schools in which they are placed.
9. That the school boards be able to hire liaison officers from ethno-cultural groups responsible for establishing communication between the boards and the families.
10. That the school boards and schools ensure that the subject grids are suited to their intercultural education needs.
11. That adult education departments be invited to contribute to the reception and integration activities for newcomers to Québec.
12. That students be made aware of the values of the ethno-cultural groups which make up Québec society through the attitudes of the teaching staff and through certain subjects such as history, geography, literature and the arts.
13. That the school boards and schools place greater emphasis on the Department of Education's program for teaching original languages.
14. That intercultural extracurricular activities be promoted, both through the teaching staff working with the students and through the contributions of the cultural communities themselves.

15. That there be greater co-operation between the Department of Cultural Communities and Immigration and the Department of Education with a view to stimulating intercultural education, both in the schools and outside.

#### **4.2.3 Journal of progressive pedagogy**

In October 1982 the Mouvement québécois pour combattre le racisme (Québec movement to combat racism) published a sixth journal of progressive pedagogy entitled Combattre le racisme (fighting racism); the Québec Centrale de l'enseignement (teachers' federation) and Publications de la Maîtresse d'école also assisted with this publication. 348

The journal is essentially a tool intended to be used for collective self-criticism, to gain awareness of the causes of racism and to assume control of change. It is aimed at rooting out racism at its source and teaching children how to fight racism, among other things. It is a tool intended for both children and teachers. For example, it helps them examine comic strips (Tintin, Tarzan, and so on) in class and analyse their content to discover any racial prejudices. The journal also enables them to analyse the racism in certain jokes and funny stories and to look at books about Amerindians and criticize their racist point of view. 349

#### **4.2.4 Activities of the Human Rights Commission among the ethnic media**

As part of the campaign against discrimination in housing, the Human Rights Commission issues bulletins setting out ways of fighting such practices. In 1982 such bulletins were translated into Greek, Portuguese, Italian and Spanish. Communication-Québec saw to their distribution to the various ethnic print media and the electronic media. In addition the Native media and catalyst groups received a bulletin in Montagnais, English and French. 350

The distribution of the audiovisual document "Les préjugés raciaux et la discrimination dans le logement" (racial prejudice and discrimination in housing) by the Human Rights Commission in 1982 proved to be a success. 351

#### **4.2.5 Anniversary of the Universal Declaration of Human Rights**

To mark the 34th anniversary of the adoption of the Universal Declaration of Human Rights in 1948, the Human Rights Commission broadcast short messages on community networks 20 times an hour over a 10-day period. These messages dealt, among other things, with the prohibition against discrimination based on race or ethnic or national origin and with every person's right to complain to the Human Rights Commission where his/her rights have been infringed owing to his/her race or ethnic origin, among other grounds. 352

#### **4.2.6 Identity of allophones**

A symposium on the identity of allophones was held in May 1983 under the auspices of the Federation of Ethnic Groups of Québec. There were several workshops dealing with education, culture, communications, immigration, the contribution of allophones to Québec society and second-generation allophones, among other topics. The Federation has been in existence for 11 years and is formed of some 30 associations, which themselves have a total membership of 410,000 persons. 353

ANNEX I

ARRÊTÉ EN CONSEIL  
CHAMBRE DU CONSEIL EXÉCUTIF

10 MAI 1978

NUMÉRO 1471-78

PRÉSENT:  
Le lieutenant-gouverneur en conseil

CONCERNANT la Convention  
internationale sur l'éli-  
mination de toutes les  
formes de discrimination  
raciale

---ooo000ooo---

ATTENDU QUE l'article 15 de la Loi du minis-  
tère des Affaires intergouvernementales, chapitre 15 des lois  
du Québec, 1974, prévoit que les traités ou accords interna-  
tionaux ressortissant à la compétence constitutionnelle du  
Québec sont soumis pour ratification par le lieutenant-  
gouverneur en conseil sur sa recommandation;

ATTENDU QUE la Convention internationale  
sur l'élimination de toutes les formes de discrimination  
raciale a été adoptée et ouverte à la signature, à la ratifi-  
cation et à l'adhésion par l'assemblée générale des Nations  
Unies dans sa résolution 2106 A (XXe session de l'assemblée  
générale des Nations Unies) - 21 décembre 1965;

ATTENDU QUE cette Convention relève de par  
son contenu de la compétence constitutionnelle du Québec;

ATTENDU l'intérêt démontré par le gouverne-  
ment du Québec pour les questions relatives aux Droits de la  
Personne;

ATTENDU la volonté du gouvernement du Québec  
de se conformer aux termes de la Convention internationale  
sur l'élimination de toutes les formes de discrimination  
raciale;

IL EST ORDONNÉ, sur la proposition du ministre  
des Affaires intergouvernementales:

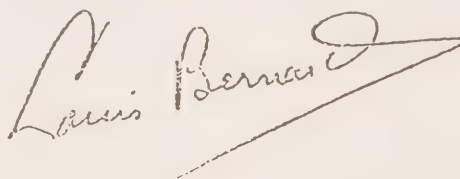
QUE le gouvernement du Québec s'engage à se  
conformer aux termes de la Convention internationale sur  
l'élimination de toutes les formes de discrimination raciale;

QUE le gouvernement du Québec ratifie la  
Convention internationale sur l'élimination de toutes les  
formes de discrimination raciale;

QUE le ministre des Affaires intergouverne-  
mentales soit chargé de transmettre cet engagement et cette  
ratification aux autorités fédérales;

QUE cet engagement et cette ratification  
entrent en vigueur avec l'adoption du présent arrêté en conseil.

le Greffier du Conseil exécutif

A handwritten signature in dark ink, appearing to read "Louis Bernier", is written over a horizontal line.

ANNEX II: LIST OF DOCUMENTS SUBMITTED TO THE  
SECRETARY-GENERAL WITH THIS REPORT

An Act to amend the Charter of Human Rights and Freedoms (SQ 1982, c 61, assented to December 18, 1982).

Staffing Regulations, Québec Official Gazette, September 15, 1982, 114th year, No 43, Part 2, pp 3838-39.

L'éducation interculturelle, Avis au ministre de l'Éducation, Conseil supérieur de l'éducation, 15 avril 1983.

## SASKATCHEWAN\*

### 1. Introduction

354 Saskatchewan's submission to Canada's seventh report under the Convention will update to November 1983 the information contained in its previous submission. More detailed information about Saskatchewan's compliance with this Convention can be found in Canada's sixth report under the Convention.

### 2. General

#### 2.(a) Policy and Legislative Framework

355 The Canadian Charter of Rights and Freedoms was proclaimed on April 17, 1982. The province's laws in general must conform to the requirements of the Charter. Section 15 of the Charter bears on racial discrimination and guarantees that:

Every individual is equal before and under the law and has the right to the equal protection and benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

356 Unlike the other provisions of the Charter, section 15 does not take effect until April 17, 1985. This delay was intended to allow governments to review their legislation for compatibility with the Charter.

357 Saskatchewan has already completed its review of primary legislation for compatibility with the Charter. The government has also taken the position that changes will be made to the law where inconsistencies are apparent and that this will occur in advance of judicial review.

358 Regulations and other forms of subordinate legislation have not yet been reviewed. Saskatchewan is at present reviewing its regulations in order to repeal obsolete regulations, to streamline remaining regulations and to consolidate the regulations. Review of regulations will occur when this process is concluded (likely within the next year).

359 Procedures for monitoring the compatibility of new legislation with the Charter and with international human rights documents including the Convention on the Elimination of All Forms of Racial Discrimination have been set in place.

#### 2.(b) Demographic Composition of Saskatchewan's Population

360 General Recommendation IV adopted by the Committee on August 16, 1973 invited States parties to include relevant information on the demographic composition of the population.

361 Since the last submission more current information on the ethnic origins of Saskatchewan's population has become available from the national census.

---

\* Report prepared by the Government of Saskatchewan.

These statistics are appended. Population by language spoken in the home is also included.

### 3. Government Policies and Programs Related to Articles 2 to 7

The Saskatchewan Human Rights Code is the principal provincial law which is addressed to prohibiting racial discrimination and protecting equal opportunities (see Submission to Sixth Report). In addition to this law, the Government of Saskatchewan has implemented a number of programs and policies to deal with this issue. These initiatives reflect the mixed racial and ethnic composition of Saskatchewan society. 362

Government policies and programs can be grouped under three major themes or sectors: multicultural policy and programs; official minority language policies; and Native policy and programs. 363

#### 3.(a) Multicultural Policy and Programs

The Saskatchewan Multicultural Act remains in effect. The purpose of this Act is to encourage multiculturalism and to enable assistance to be provided to individuals and groups to increase opportunities for Saskatchewan residents to learn about their own ethnic heritage and that of other ethnic groups. 364

This policy is realized by the activities of government in the areas of language, education and cultural policy. 365

Since the last submission, the Department of Culture and Youth has been renamed the Department of Culture and Recreation. The department continues to administer programs aimed at retaining, developing and sharing the cultural heritage of the various Saskatchewan peoples. The Language Opportunities Program provided financial and consultative services to ethno-cultural organizations providing heritage language instruction. Financial and consultative services were provided to ten multicultural councils promoting cross-cultural programs. Financial assistance was provided to ethno-cultural organizations for diverse cultural activities. Financial assistance was also provided to a provincial non-governmental multicultural organization for a variety of cross-cultural initiatives. 366

Multiculturalism continues to be supported within the school system. Primary and secondary level education is available to any person between the ages of 6 and 21 years without discrimination. Attendance is compulsory between the ages of 7 and 16 years. Education at these levels is free of charge. 367

Curricula in Saskatchewan schools continue to try to reflect a concern with the full development of the human personality. In particular, the Social Studies curriculum contains at each grade citizenship components that include learning objectives related to individual rights and responsibilities in society. Extra curricular programs and work experience programs also contribute to the attainment of these objectives. Provision is also made in the cultural component of the Social Studies curriculum for the study of a variety of cultures so as to establish an understanding of types of cultural variation and to gain an appreciation of and tolerance for differences. Multicultural education is promoted by the department through the employment of a multicultural education consultant. 368

369 Recent grants (1982-83) to educational agencies include Overseas Book Centre (\$2,500), Lester B. Pearson College of the Pacific (\$12,000), Native Image Conference (\$500), National Youth Parliament (\$2,400) and Gabriel Dumont Institute (\$717,400).

370 (Additional information relevant to these issues may be found in Saskatchewan's submission under Article 13-15 of the International Covenant on Economic, Social and Cultural Rights.)

### 3.(b) Official Language Minority Policy

371 In addition to programs developed under the province's multicultural policy, the province's official language minority receive education programming in accord with the requirements of the Constitution Act, 1982.

372 The province has developed two types of programs at the elementary and secondary level for French language education: one geared to francophones and the other geared to non-francophones. French language courses may be taken as part of the normal program of studies in schools where English is the predominant language of instruction. Support is also provided for the French language at the university level and for adult non-credit courses. (See Saskatchewan's submission to Canada's sixth report under the Convention for further details.)

### 3.(c) Indian and Native Policy

#### 3.(c)(i) General Policy Context

373 In April 1983, the Department of Intergovernmental Affairs was abolished. The Indian and Native Affairs Branch of that department had been responsible for the co-ordination of provincial policy regarding aboriginal peoples in the province. This branch was transformed into the Indian and Native Affairs Secretariat under the direction of a secretary and with the same responsibilities for developing and monitoring Indian and Native policy. The secretariat continued to report to the Attorney General and Minister of Justice until July 2, 1983 when a minister without departmental portfolio was specifically assigned to oversee its functioning.

#### 3.(c)(ii) Constitutional Reform

374 In March 1983, the Government of Saskatchewan signed the 1983 Constitutional Accord on Aboriginal Rights committing itself to further discussions on constitutional matters affecting the aboriginal peoples of Canada and to a number of amendments to the constitutional status of the aboriginal peoples of Canada (see paragraphs 17 to 21 for further details).

375 Funding is provided to provincial aboriginal organizations for research into the issue of aboriginal rights and the Canadian Constitution and for participation in discussions on constitutional reform.

#### 3.(c)(iii) Affirmative Action

376 No changes to sixth report.

### 3.(c)(iv) Education

No changes to sixth report.

377

### 3.(c)(v) Employment Training and Placement

Funds are provided to NorSask Native Outreach by the Department of Northern Saskatchewan to support provision of outreach employment information and referral for Native people in Northern Saskatchewan.

378

The government has created a Department of Advanced Education and Manpower since the last submission. This department now administers those programs reported under this heading in the previous submission as being located in the Department of Continuing Education. Programs include those of the Office of Native Career Development and of the Occupational Training Branch.

379

### 3.(c)(vi) Economic Development

The Department of Agriculture renewed its participation in the Saskatchewan Indian Agricultural Program (SIAP) in March 1982. The agreement with the federally funded SIAP Inc. provides for the Department of Agriculture of Saskatchewan to employ extension specialists to work with Indian farmers and Band councils to develop and to improve the viability of Indian farms on Saskatchewan reserves. The agreement also provides SIAP access to all programs administered by Saskatchewan Agriculture plus provision of office space, clerical support, supplies and access to Saskatchewan Agriculture resource staff for all SIAP employees at no cost. Saskatchewan Agriculture also provides grants for demonstrating innovative farm practices on reserves as well as grants for district agricultural improvement projects conducted by Indian reserves encouraging reserves to co-ordinate their activities to deal with problems extending beyond reserve boundaries.

380

### 3.(c)(vii) Native Housing

No changes to sixth report.

381

### 3.(c)(viii) Support Services

The Native Day Care program of the Department of Social Services supports the research of the Saskatchewan Native Day Care Committee in its investigation of alternative programs and to support the implementation of pilot projects in Native day care developed from the Committee's work. Natives were used in an advisory capacity as members of regional planning committees involved in placement decisions for foster care.

382

In 1982-83 the department gave grants to a number of Native organizations in the province which provide a wide range of services to Native people. These agencies assist Native people to adjust to urban communities, provide recreational and cultural programs, and assist people with social and economic problems. A variety of other non-government agencies received funding for day care oriented specifically to needs of Native children, youth residential care centres which emphasize Native values and traditions, and family counselling and local services to Native peoples in various communities in the province.

383

3.(c)(ix) Health

- 384 The Community Health Services Branch and the Northern Health Services Branch, both of the Department of Health, have major responsibilities to develop prevention and treatment programs for Native people.
- 385 Section 10 of The Union Hospital Act allows the designation of one or more hospital board positions to members of Indian bands. Fourteen of 111 union hospitals have provision for Indian representation and 37 positions have been allocated, though not all have necessarily been filled.
- 386 A Native sub-committee of the Child Safety Committee has been struck to investigate the relatively high child accident rate in Indian and Native communities and to design safety programs.
- 387 Health educational materials have been specifically adopted for northern Natives. The Department of Health has funded two "Needs Assessment" workshops for Native Women in Prince Albert and Yorkton.
- 388 Funding is provided by the Department of Health to the Regina Native Women's Association to employ counsellors to provide pre- and post-natal counselling to mothers. The department also cost-shares with the federal government the training and hiring of Community Health Workers who carry out health education and preventive health measures for northern residents the majority of whom are Natives. The Native Alcohol Council operates programs of alcoholism rehabilitation and prevention to treat and to counsel Natives and their families. The Council is a non-governmental organization and received over one million dollars for its programs from the government in 1983-84. The Senior Citizens Neighbourhood Health Centre in Regina employs a Native community worker.

3.(c)(x) Human Justice

- 389 The Indian Special Constable program was not reported in the previous submission. Established in 1974, the program seeks to provide improved policing services to Indian reserves by training Indian constables as police officers. Funding is cost-shared between federal and provincial governments.
- 390 Indian Probation Services is no longer delivered by the Federation of Saskatchewan Indians as a separate program. Instead, the Corrections Branch of the provincial Department of Justice is administering the program as part of its overall probation service.

3.(c)(xi) Culture and Recreation

- 391 The Federation of Saskatchewan Indians was provided with financial assistance to continue the work of the Indian Historical Committee which is collecting oral histories and otherwise documenting Indian history. Financial assistance as well was provided to the Association of Métis and Non-Status Indians to support the activities of their communications corporation which is involved in publishing, broadcasting and film production.

(See also 3(a) above.)

3.(c)(xii) Department of Northern Saskatchewan (DNS)

Government reorganization altered the responsibilities of DNS during 1982-83. 392  
Programs related to affirmative action, promotion of tolerance, and many specifically targeted programs aimed at northerners of Native ancestry have become the responsibility of other departments. Some activities relevant to the Convention still fall under Department of Northern Saskatchewan purview.

Department of Northern Saskatchewan has adopted several special programs aimed 393  
at "northerners". During the 1982-83 fiscal year a northerner was defined as a person having lived 15 years or one-half his/her lifetime in the Northern Administration District. A large majority of "northerners" are of Native ancestry. Thus many Department of Northern Saskatchewan programs aimed at northern development have an effect similar to affirmative action programs.

In employment opportunities, the Department of Northern Saskatchewan Manpower 394  
Secretariat conducted the following activities:

1. Monitoring surface lease employment agreement with AMOK/Cluff Lake Mining to achieve goals of 50% "northerners" in operational workforce; with Key Lake Mining Corporation to achieve 28% "northerners of native ancestry" in construction workforce;
2. Negotiating new surface lease agreement with Eldorado Resources Ltd. for the Collins Bay "B" Ore Zone, including progressive annual improvements in annual employment targets for northern residents (any person establishing and maintaining residence in a northern community as defined by the proposed Northern Municipalities Act) with an emphasis on recruitment from the Wollaston/Athabasca region;
3. Negotiating new surface lease agreement with Flin Flon/Bootleg Mines.

As well, various economic development activities are aimed at "northerners": 395  
Economic Development Loan Fund; Economic Development Grant Fund; and economic development technical services including assistance to clients in preparing loan and grant proposals, aid in actual establishment of business enterprises, providing on-going management support.

These activities were subject to extensive policy review in 1982-83, resulting 396  
in reduced levels of actions.

The Economic Development Branch also administers the federal-provincial cost- 397  
shared Special ARDA program. This agreement expired on March 31, 1982, and was renewed after January 1983. Thus, activity was slow within this program.

(See previous submission for description of Special Agricultural and Rural 398  
Development Program (ARDA).)

3.(c)(xiii) Grants to Native Groups

As well as funding to specific groups mentioned above, the province continues 399  
to provide core funding for central aboriginal organizations in the province. The funding enables the organizations to administer their own internal

programs of cultural, economic and social development and to represent the interests of the province's aboriginal peoples to governments.

400 Core funding to aboriginal groups is no longer funnelled through Social Services. The Indian and Native Affairs Secretariat has assumed that responsibility for 1983-84. The fiscal breakdown is as follows:

1. To the Federation of Saskatchewan Indian Nations - \$41,000: \$35,000 for a provincial liaison officer, and \$6,000 as a Communications grant.
2. To the Association of Métis and Non-Status Indians - \$960,000: \$860,000 for core funding and \$100,000 for constitutional preparation.

401 Core funding previously directed to FSIN has been redirected to Indian Bands and District Chief organizations for social and economic development projects.

POPULATION BY SELECTED HOME LANGUAGES, SASKATCHEWAN 1981 AND 1971

	1981	1971
<u>Total Population</u> (1981 figures exclude inmates)	956,440	926,240
English	887,390	832,515
French	10,090	15,930
Non-official languages	58,960	77,795
European languages		
Baltic	70	...
Croatian, Serbian, etc.	215	230
Czech and Slovak	245	500
Finnish	95	190
German	12,940	18,125
Greek	600	410
Italian	600	870
Magyar(Hungarian)	830	1,945
Netherlandic languages	510	1,020
Dutch and Frisian	500	...
Polish	1,180	2,195
Portuguese	265	110
Russian	845	1,435
Scandinavian languages	550	620
Spanish	670	85
Ukrainian	14,315	24,865
Yiddish	20	90
Asian languages		
Armenian	---	...
Chinese	4,115	2,835
Indochinese languages	1,820	...
Vietnamese	1,260	...
Indo-Pakistani languages	765	320
Punjabi	165	...
Japanese	45	65
Korean	70	...
Philippino and Tagalog	405	...
Semitic languages	170	...
Arabic	145	95
African languages	20	...
North American languages		
Amerindian languages	65	20,975
Algonkian languages	14,955	...
Cree	12,545	...
Ojibway	2,405	...
Athapaskan languages	2,140	...
Inuktitut	---	50
Indian, not otherwise specified	150	...

... Figures not available      --- Nil or zero

NOTE: Due to space constraints, some smaller language groups are not shown in this table. This combined with random rounding means that totals are not equal to the sum of components.

POPULATION BY SELECTED ETHNIC ORIGIN, SASKATCHEWAN, 1981

<u>Total Population</u> (excluding inmates)	956,440
<u>Single Origins</u> <sup>1</sup>	853,315
African	500
Armenian	10
Asian Arab	785
Austrian	4,115
Balkans	1,880
Baltic	435
Belgian and Luxembourg	2,830
British	366,080
Czech and Slovak	3,725
Chinese	6,970
Dutch	17,215
Finnish	1,275
French	46,915
German	161,700
Greek	1,220
Magyar(Hungarian)	11,080
Indochinese	1,865
Indo-Pakistani	1,140
Italian	2,755
Japanese	205
Jewish	1,515
Latin American	975
Native Peoples	54,720
North African Arab	60
Pacific Islands	2,100
Polish	18,335
Portuguese	515
Romanian	3,905
Russian	6,290
Scandinavian	42,720
Spanish	730
Swiss	1,225
Ukrainian	76,815
West Asian	65
Other single origins	10,645
<u>Multiple Origins</u> <sup>1</sup>	103,120
British and French	9,095
British and other	52,985
French and other	8,325
British, French and other	4,425
European and other <sup>2</sup>	23,820
Native Peoples and other <sup>3</sup>	4,480

NOTE: Totals may not equal the sum of components due to rounding.

1. The 1981 Census is the first to accept more than one ethnic origin for an individual. Therefore, this table includes counts of single and multiple origins.
2. Includes multiple origins involving European, Jewish and other origins not included elsewhere.
3. Includes multiple origins involving Native Peoples and British, French, European, Jewish or other origins.

#### PART IV: TERRITORIES

In addition to their fair practices legislation, both territories currently 402  
derive protection from the Canadian Human Rights Act. Although this Act, as  
amended in 1983, states, in section 63, that it does not apply in matters  
respecting the Government of Yukon or the Northwest Territories, this provi-  
sion is not yet in force. In the meantime, both territories are preparing new  
legislation.

#### NORTHWEST TERRITORIES

A Consultation Paper on a Proposed Human Rights Code for the Northwest Terri- 403  
tories was tabled in the Legislative Assembly by the Minister of Justice and  
Public Services in November 1984. The Code is intended to consolidate the law  
on human rights in the Territories into one statute.

The protections accorded by the proposed Code would be similar to those 404  
provided by the Canadian Human Rights Act and provincial human rights  
statutes. The Code would provide protection against discrimination on various  
grounds including race, colour, origin, and language in the area of employ-  
ment, the rental of residential and commercial accommodation, and the provi-  
sion of services and facilities. It would make provision for redress proce-  
dures in cases of violation of its provisions as well as for special programs  
in favour of disadvantaged groups.

A Human Rights Commission would be established with enforcement powers and 405  
responsibilities for information programs, research and review of existing  
regulations and other instruments in the Territories. The Code would have  
precedence over other legislation in the Territories.

Additional protection and encouragement has been given to aboriginal languages 406  
of the Northwest Territories. Part I of the Official Languages Ordinance now  
recognizes seven Native languages as official aboriginal languages and allows  
for wider recognition and use of aboriginal languages for official purposes.

#### YUKON

In a "Green Paper on Human Rights", published in August 1984, the Government 407  
of Yukon stated its intention to adopt new human rights legislation and to  
ensure that the human rights generally afforded to other Canadians are also  
protected in the Yukon. The government also stated that it wanted to meet its  
obligations at the international level, under the various United Nations  
Covenants, and at the national level, under the Constitution Act, 1982 and the  
Canadian Charter of Rights and Freedoms.

The paper attempts to outline Yukon's national and international human rights 408  
obligations, and also examines the scope and administration of the federal and  
provincial human rights statutes. It does not outline specific government  
intentions, but was issued in order to generate the discussion and feedback  
needed to ensure that the new legislation would reflect the attitudes of the  
majority of Yukoners.

Special programs to encourage racial understanding and tolerance, especially 409  
in education, are described in Canada's report to the United Nations on  
Articles 13-15 of the International Covenant on Economic, Social and Cultural  
Rights, paragraphs 1431-1434.

APPENDIX: DOCUMENTS SUBMITTED WITH THE PRESENT REPORT

1. 1983 Constitutional Accord on Aboriginal Rights - Special edition of Intercom, April 1, 1983, Indian and Northern Affairs Canada
2. Canada's Native People (Census of Canada, 1981), Statistics Canada
3. Canada's Immigrants (Census of Canada, 1981), Statistics Canada
4. Report on Articles 13-15 of the International Covenant on Economic, Social and Cultural Rights
5. Submission from Canada on the observance of Human Rights Day in 1983
6. Equality Now: Report of the Special Parliamentary Committee on the Participation of Visible Minorities in Canadian Society
7. Report of the Royal Commission of Inquiry on Equality in Employment
8. Report of the Special Committee of the House of Commons on Indian Self-Government in Canada
9. Report of the Canadian Human Rights Commission for 1983





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Department of the Secretary  
of State of Canada

Secrétariat d'État  
du Canada

Publication

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# INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

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EIGHTH REPORT OF CANADA

January 1986

Canada



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**INTERNATIONAL CONVENTION ON  
THE ELIMINATION OF ALL  
FORMS OF RACIAL DISCRIMINATION**

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**EIGHTH REPORT OF CANADA**

January 1986



## FOREWORD

This report was submitted to the Secretary-General of the United Nations in February 1986. It is published in Canada so that it can be made available to interested groups and individuals.

The publication of this report aims at providing Canadians with the opportunity to increase their understanding of the obligations undertaken by Canada through its ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and of the measures adopted by their governments to ensure its implementation.

Copies of the report, in Canada's two official languages, may be obtained from the Communications Branch or the Human Rights Directorate of the Department of the Secretary of State in Ottawa, or at any regional or local office of the Department throughout Canada. Copies of previous reports on the same Convention are also available at the Human Rights Directorate of the Department of the Secretary of State in Ottawa. These reports are distributed free of charge.

Department of the Secretary of State  
Ottawa K1A 0M5  
April 1986



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## FIRST PART: GENERAL INTRODUCTION

The present report is the eighth submitted by Canada on the implementation in this country of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. It covers the period from the end of 1983 to September 30, 1985. 1

The report is divided into four parts - a general introduction, measures adopted by the federal government, measures adopted by the provinces, and measures adopted by the governments of the territories. 2

### Extent of limitations permitted by section 1 of the Canadian Charter of Rights and Freedoms

During the examination of the sixth report members of the Committee on the Elimination of Racial Discrimination raised questions concerning the extent of the limitations permitted by section 1 on the rights enumerated in the Canadian Charter of Rights and Freedoms. Section 1 provides: "The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." The following information will complement the information on this subject provided in the seventh report. 3

The courts, including the Supreme Court of Canada in Director of Investigation and Research of the Combines Investigation Branch et al. v. Southam Inc., have made it clear that the onus of proof that a limit is reasonable and demonstrably justified in a free and democratic society lies with the party seeking to impose the limit, usually a government. This is an important safeguard for the rights and freedoms of the individual as guaranteed in the Charter. 4

In R. v. Big M. Drug Mart Ltd., [1985] 3, W.W.R. 481 (S.C.C.), in which the Court ruled that the Lord's Day Act, R.S.C. 1970, c. L-13, was not justified on the basis of section 1 of the Charter, the Supreme Court of Canada stated: 5

At the outset, it should be noted that not every government interest or policy objective is entitled to s. 1 consideration. Principles will have to be developed for recognizing which government objectives are of sufficient importance to warrant overriding a constitutionally protected right or freedom. Once a sufficiently significant government interest is recognized then it must be decided if the means chosen to achieve this interest are reasonable -- a form of proportionality test. The court may wish to ask whether the means adopted to achieve the end sought do so by impairing as little as possible the right or freedom in question.

### Primacy of human rights legislation

In its recent judgement in the case of Winnipeg School Division No. 1 v. Craton (September 19, 1985), the Supreme Court of Canada held that the provisions of the Manitoba Human Rights Act which prohibit age discrimination prevail over provisions in the Manitoba Public Schools Act which enable the fixing of a mandatory retirement age. The Supreme Court commented: 6

"Human rights legislation is of a special nature and declares public policy regarding matters of general concern. ... it may not be altered, amended, or repealed, nor may exceptions be created to its provisions save by clear legislative pronouncement."

#### Constitutional conferences

- 7 Mention was made in the seventh report of the Constitutional Conference held in March 1983. Two additional conferences were held thereafter : one in March 1984, the other in April 1985. Both conferences dealt with issues directly affecting Canada's aboriginal peoples, including their rights and their self-government. The background documents of the 1985 Conference are being submitted with the present report. They contain information on Canada's aboriginal peoples, information for which members of the Committee on the Elimination of Racial Discrimination have demonstrated sustained interest. Another conference will be held sometime before April 17, 1987, as required by the Constitution.

#### Federal-Provincial-Territorial Conference on Multiculturalism

- 8 A Federal-Provincial-Territorial Conference on Multiculturalism was held in Winnipeg on May 14, 1985. This was the first time that ministers with responsibilities for multiculturalism or cultural communities had met together. The Conference addressed issues arising from the increasingly multicultural and multiracial nature of Canadian society and explored the most effective ways to serve ethnocultural communities in different parts of Canada.

#### Federal-Provincial-Territorial Conference on Human Rights

- 9 A fourth federal-provincial-territorial conference of ministers responsible for human rights was held in Ottawa, on September 12 and 13, 1985.
- 10 At the outset of the Conference the ministers expressed their concern for the current human rights violations in South Africa and passed unanimously a resolution condemning the policy and practice of apartheid in South Africa. They declared their profound concern for the victims of apartheid, affirmed their support for non-violent struggle against apartheid and for peaceful change in South Africa, and commended those individual Canadians and organizations who have demonstrated through appropriate measures their opposition to apartheid and provided humanitarian assistance to the victims of apartheid.
- 11 Ministers recorded their continuing support for the Second Decade to Combat Racism and Racial Discrimination and renewed the commitment of their governments to on-going vigilance with regard to all manifestations of racism, by the enforcement of the criminal law and anti-discrimination legislation, as well as through public education programmes designed to create a heightened awareness of the importance of racial tolerance in Canada.
- 12 The Conference explored a number of additional issues, including a commentary on the International Convention on the Elimination of All Forms of Racial Discrimination, mechanisms to assist compliance with international human rights instruments, affirmative action programmes, human rights terms and

conditions in government contracts, the equality provisions of the domestic human rights legislation, and the teaching of human rights.

Contribution of the non-governmental sector

The non-governmental sector continued to be very active during the period under review. Among other activities, numerous conferences were organized on the rights of minorities. For example, in March 1985, the Third International Conference on Constitutional Law, organized by the Law Faculty of Laval University, dealt exclusively with the rights of minorities; also in March 1985, the Human Rights Research and Education Centre of the University of Ottawa organized its "First Seminar on Collective Rights"; finally, in September 1985, the Canadian Human Rights Foundation held a Conference on Multiculturalism and section 27 of the Canadian Charter of Rights and Freedoms. Section 27 deals with the preservation and enhancement of the multicultural heritage of Canadians. 13

## PART II: GOVERNMENT OF CANADA

### GENERAL

#### (a) Legal framework

- 14 The general legal framework within which discrimination is prohibited in areas of federal jurisdiction has remained basically the same during the period under review.

#### (b) Policy of eliminating racial discrimination

- 15 On numerous occasions during the period under review, successive governments have reaffirmed their commitment to the elimination of racial discrimination and to the promotion of equality among the people of Canada.
- 16 For example, on Human Rights Day, December 10, 1984, in a speech in the House of Commons, the Deputy Prime Minister affirmed the commitment of the Government of Canada to joining with other governments throughout the world in undertaking special efforts such as the Second Decade to Combat Racism and Racial Discrimination.
- 17 Also addressing the House of Commons, in commemoration of the International Day for the Elimination of Racial Discrimination, on March 21, 1985, the Minister Responsible for Multiculturalism reiterated Canada's support for the Decade and the Government's commitment "to creating a climate of mutual tolerance among Canadians so that all of us, irrespective of our racial or ethnic origins, can contribute to and participate fully and equally in the life of our country for the benefit of all society".
- 18 In 1984, the federal government published its response to the report of the Special Parliamentary Committee on Visible Minorities in Canadian Society, entitled Equality Now!, discussed in Canada's seventh report. In its response, the government reiterated its commitment to eradicating racial discrimination and promoting equality within its own organization, the non-governmental sector and the Canadian legal system. The government is continuing its work on the implementation of the recommendations of the Committee.
- 19 Following the presentation of the report of the Special Committee on Indian Self-Government, mentioned in the previous report, the Government of Canada is negotiating with representatives of Native groups on Indian self-government and related matters. Progress has also been made with the adoption of the Cree-Naskapi (of Québec) Act, S.C. 1984, c. 18, in June 1984, which provides a regime of local self-government for the Crees and Naskapis of Québec, pursuant to the terms of the James Bay and Northern Québec Agreement of 1975 and the Northeastern Québec Agreement of 1978. The Government is committed to the extension of self-government by legislative or administrative means to other groups of Native people.

## ARTICLE 2

### A(3) Review of legislation and regulations

Upon completion of the first stage of the review of federal laws undertaken by the Department of Justice following the entry into force of the Constitution Act, 1982, a bill was introduced in Parliament by the Minister of Justice in January 1985 to amend some 60 laws to ensure their conformity with the Canadian Charter of Rights and Freedoms. The bill, the Statute Law (Canadian Charter of Rights and Freedoms) Amendment Act, received Royal Assent on June 27, 1985. 20

Among other things, Bill C-27 amended the Department of Justice Act, R.S.C. 1970, c. J-2, making it mandatory for the Minister of Justice to examine all proposed government bills to ensure that they are not inconsistent with the Canadian Charter of Rights and Freedoms, including the prohibition against discrimination on the basis of race. Similarly, the Statutory Instruments Act, S.C. 1970-71, c. 38, was amended to provide that all proposed regulations are examined to ensure that they are not inconsistent with the Charter. 21

### A(5) Eliminating barriers between races

The activities mentioned in previous reports are continuing. New measures include: the strengthening of the multiculturalism programme through the creation of the position of an assistant deputy minister with responsibility for multiculturalism; special efforts to deal with the concerns of immigrant women and women belonging to visible minorities; and the establishment of the Parliamentary Standing Committee on Multiculturalism to be charged with monitoring and encouraging the implementation of the principles of the federal multiculturalism policy throughout the Government of Canada. The responsibilities of the committee will also include ensuring that federal programmes reflect sensitivity to multicultural concerns and the multicultural/multiracial reality of Canada, and promoting equal access for members of all cultural and racial communities in Canada to all federal government services. 22

### B. Special measures for the development and protection of certain groups

#### (a) Employment affirmative action programme in the federal public service

Most departments have already submitted, and received approval of, the plan of action they were required to submit to Treasury Board under the affirmative action programme discussed in the previous report (paragraphs 47 to 50). 23

In April 1985, a survey indicated that visible minority persons were under-represented in the federal public service. In order to correct this situation, in July 1985 the Ministers of the Treasury Board agreed to include visible minorities as an affirmative action target group and approved measures to facilitate their access to the public service. The President of the Treasury Board also established an Advisory Committee on the Employment of Visible Minorities. 24

(b) Employment affirmative action in the private sector

- 25 Mention was made in the previous report (paragraph 46) of the Employment Affirmative Action Program in the private sector administered by the Employment and Immigration Commission. In 1985, visible minorities were added to the list of target groups identified under the programme. Under the programme, employers are assisted in analyzing the composition of their work force and their employment practices and policies, in order to develop the measures necessary to remove systemic barriers and to achieve adequate representation of target groups. By the end of March 1984, 66 companies had signed affirmative action letters of agreement with the Commission.

(c) Implementation of the report of the Commission of Inquiry on Equality in Employment

- 26 In March 1985, the Government of Canada announced measures in response to the 1984 report of the Commission of Inquiry on Equality in Employment discussed in the previous report (paragraph 34). These initiatives touch the working lives of nearly one million Canadians. They include mandatory employment equity reporting requirements in the private sector, an equity compliance policy for federal contractors, the integration of employment equity into all federal training and job development programmes, and increased equity measures within the public service and federal Crown corporations.
- 27 On March 8, 1985, the Government announced the implementation of "employment equity" in Crown corporations for women, persons with disabilities, aboriginal peoples and members of visible minority groups. Treasury Board was made responsible for developing policy guidelines and co-ordinating the implementation of the programme in order to assist Crown corporations.
- 28 In June 1985, the Minister of Employment and Immigration introduced in Parliament an employment equity bill (Bill 62) which, if adopted, would require federally regulated employers to implement employment equity. Within the meaning and context of the proposed legislation, "employment equity" is both a process and a result. It brings together ideas about the goals to be pursued and the approaches to be taken to bring about equality in employment. The basic elements of employment equity are as follows:
- employment barriers that limit or prevent the progress of women, aboriginal peoples, persons with disabilities and visible minorities must be identified and removed;
  - employers have a responsibility to take steps and implement measures that will promote fairness in employment and ensure that all employees regardless of gender, disability or racial origin have equal access to employment opportunities.
- 29 The purpose of the bill is to achieve equality in employment in federally regulated businesses. The bill provides for this through two components:
- federally regulated employers with more than 100 employees and Crown corporations covered by Part III, section 27, of the Canada Labour Code, are required to take steps and implement measures that will remedy

inequalities in the workplace experienced by specific, defined groups within Canadian society; and

these employers are required to report on employment equity to the Minister of Employment and Immigration who, in turn, will make public the progress of each federally regulated company in achieving the goal of employment equity. Failure to report could bring a fine of up to \$50,000.

A copy of Bill C-62 together with a working paper on "Employment Equity" released by the Minister of Employment and Immigration after introducing the bill will be forwarded to the Secretary-General with this report. 30

The Government has also announced a new contracting policy to ensure that contractors with the federal government implement "Employment Equity" measures within their organizations. The Federal Contractors Program applies to contractors with 100 employees or more tendering for goods or services in an amount of \$200,000 or more. Contractors will be required to make commitments to put "Employment Equity" principles into practice and to live up to their commitments. Failure to comply can result in a denial of the opportunity to compete for future government business. 31

(d) Other activities

The Public Service Commission continues to deliver the Black Employment Program which has recruited Black people for positions in federal departments in Nova Scotia since 1973. In 1984, 87 Black individuals were referred by the Public Service Commission for officer-level positions, that is 4.4% of all referrals in Nova Scotia. Of these, 28 qualified and 9 were appointed. In 1983, 44 Black people had been referred for officer-level positions; 12 had qualified and 6 had been appointed. 32

In 1984, the Public Service Commission added a voluntary identifier to the new application for employment form, in order to help administer the Affirmative Action Programme and to conduct research and analysis on its effectiveness. Among other under-represented groups, Black persons and aboriginal people (Inuit, Métis, Non-Status Indians and Status-Indians) were provided the opportunity to voluntarily self-identify. 33

ARTICLE 3

The Government of Canada has reiterated its condemnation of apartheid on numerous occasions during the period under review, both at home and at the United Nations. 34

During the summer of 1985, the government announced new measures aimed at pressuring the Government of South Africa to end apartheid. These include the strengthening of the Code of Conduct Concerning the Employment Practices of Canadian Companies Operating in South Africa, measures aimed at discouraging commercial exchanges with South Africa and investments in that country, a substantial increase (\$5 million) in the funding available to support the education and training of Blacks in South Africa and Canada, and the allocation of \$1 million to assist the families of political prisoners and detainees in South Africa. More details on the Canadian government actions can be found 35

in recent statements issued by the Secretary of State for External Affairs, copies of which are being forwarded to the Secretary-General with the present report.

- 36 In his statement to the House of Commons, on September 13, 1985, the Secretary of State for External Affairs said that Canada would invoke further sanctions unless there was tangible movement away from apartheid on the part of the Government of South Africa, and he stated that Canada would be left with no resort but to end relations absolutely if the Government of South Africa remained unbending. This pledge was reiterated by the Prime Minister of Canada in his speech before the General Assembly on October 23, 1985.
- 37 The Government of Canada has encouraged other countries to take measures to combat apartheid, for example, at the meeting of Commonwealth countries held in October 1985, where Canada helped achieve a consensus on measures to be taken to put pressure on the Government of South Africa.
- 38 The government has also encouraged Canadians to express their opposition to the regime of apartheid. For example, in October 1985, the Secretary of State for External Affairs sent a personal letter to some 20,000 government officials, businesses, community groups and individuals, urging them to "raise their voices together to protest against a system that is offensive and abhorrent". This letter is reproduced as an appendix to this report. The register of Canadian activities against apartheid, referred to in the letter, will be presented to the Secretary-General of the United Nations.

#### ARTICLE 4

##### Prosecution of racist propaganda activities

- 39 Mention was made in previous reports of the case of the Western Guard Party and John Ross Taylor who had been found guilty of violation of the provisions of section 13 of the Canadian Human Rights Act which prohibit the repeated communication by telephone of any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that the person or persons are identifiable on the basis of, among other things, race. Mr. Taylor had served a one-year prison sentence for contempt as a result of his actions. In 1984, the Federal Court of Canada, Trial Division, convicted him of contempt of court for the second time for continuing to transmit recorded hate messages by telephone. In 1984, he argued that the Canadian Charter of Rights and Freedoms' guarantee of freedom of expression rendered section 13 of the Canadian Human Rights Act null and void. The Court rejected that argument and sentenced him to a further one year for contempt of court. He has appealed to the Federal Court of Appeal. (Canadian Human Rights Commission v. John Ross Taylor and al., Federal Court of Canada, T-40-22-79).
- 40 The last report contained information on provisions of the Criminal Code which can be used to curb activities prohibited under article 4 of the Convention, including section 177 of the Code which prohibits the publishing of false news that causes or is likely to cause injury or mischief to a public interest. This section was used in a case involving an immigrant to Canada, Ernst Zundel, who published and distributed a booklet Did Six Million Really Die? which claimed that the Holocaust was a Jewish hoax. In February 1985, Mr. Zundel was found guilty. He was afterwards sentenced to 15 months in jail and

ordered not to publish anything on the Holocaust for a period of three years. He has appealed the conviction and the sentence. Mr. Zundel was subsequently ordered deported from Canada. An appeal against that order is pending. The Immigration Act, S.C. 1976-77, c. 52, permits the deportation of landed immigrants who have been found guilty of a criminal offence and have received a sentence of at least six months imprisonment.

Previous reports contained information on the provisions of the Criminal Code 41 that deal with 'hate propaganda', sections 281.1, 281.2 and 281.3. A former high school teacher of Eckville, Alberta, James Keegstra, was charged under Section 281.2 of the Code with wilfully promoting hatred against an identifiable group, the Jewish people. He was convicted July 20, 1985 by an Alberta Court of Queen's Bench jury after a 15 week trial. The judge imposed the maximum \$5,000 fine. The case is under appeal.

As a result of the above cases and the Equality Now! report, the Minister of 42 Justice has directed that the Criminal Code provisions concerning racist propaganda be examined with a view to making any necessary amendments to improve their effect.

#### Protection against racial slurs

In 1983, following an investigation into a complaint based on race discrimination, the Canadian Human Rights Commission directed that a labourer had the 43 right to work in an environment free of racial slurs. As a result, a Black civilian labourer at Canadian Forces Base Halifax received an apology and a damage award in settlement of his complaint that a co-worker called him a "nigger" in front of another employee.

#### Prohibition against abusive comments in broadcasting

In 1984, the Canadian Radio-television and Telecommunications Commission 44 amended its Radio AM and FM Broadcasting Regulations to replace the prohibition against abusive comments on any race or religion. The new prohibition is against any abusive comment that, when taken in context, tends or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. The Television Broadcasting Regulations were similarly amended with respect to their prohibition against abusive comments or pictorial representations on any race or religion. The Pay TV Regulations, that came into effect in 1984, also contain a similar prohibition in connection with the distribution of programming.

#### Preventing the entry of hate material into Canada

In April 1985, through an amendment to tariff item 99201-1 of Schedule C to 45 the Customs Tariff, R.S.C. 1970, c. C-41, "material that constitutes hate propaganda within the meaning of the Criminal Code" was explicitly listed among the material which is prohibited from entry into Canada. Prior to that date, hate propaganda was also prohibited entry under tariff item 99201-1, under the more general category of material of an "immoral or indecent" nature.

## ARTICLE 5

### Measures to prohibit racial discrimination and to guarantee the right of everyone to equality before the law

#### Indian Act

- 46 In February 1985, the Minister of Indian Affairs and Northern Development introduced legislation in Parliament to remove from the Indian Act, R.S.C. 1970, c. I-6, provisions which discriminated on the basis of sex. An Act to amend the Indian Act received Royal assent and became law on June 28, 1985 (S.C. 1985, c. 27). Under the amendments, Indian women who marry non-Indian men no longer lose their Indian status and band membership, and consequently their children will acquire Indian status. Enfranchisement has been abolished (enfranchisement required Indians to give up their Indian status in certain circumstances). Those who lost their status unfairly in the past, estimated at more than 26,000 (including 16,000 Indian women who married non-Indian men), will have their rights restored, upon application. Their first generation descendants (estimated at 50,000) will gain Indian status, upon application.
- 47 The amendments also provide for band control of membership which means that each of the 579 Indian bands in Canada will be able to set up membership rules to determine who will be a member of the band in the future.
- 48 Provisions respecting intoxicants, including those prohibiting persons from being intoxicated on Indian reserves, were repealed. They were replaced with provisions allowing Indian bands to choose for themselves whether to allow or prohibit intoxicants on their reserves. This responded to judicial decisions holding that certain provisions of the Act respecting intoxicants were inoperative in that they violated the right to equality before the law declared in section 1(b) of the Canadian Bill of Rights.

#### Equality issues in federal law

- 49 In January 1985, the Minister of Justice tabled a discussion paper in the House of Commons entitled Equality Issues in Federal Law that sets out a number of areas where the equality guarantees of the Canadian Charter of Rights and Freedoms raise major policy questions. Subsequently, a sub-committee of the House of Commons was set up to hold public hearings and prepare a report on equality issues.
- 50 The sub-committee published its report, Equality for All, on October 25, 1985 and the federal government is now considering the sub-committee's recommendations and preparing its response. The initiatives taken by the Government of Canada as a result will be discussed in its ninth report.

#### Canadian Human Rights Act

- 51 In response to the Equality Now! report, the Department of Justice is conducting a detailed review of how the provisions of the Canadian Human Rights Act may be strengthened to afford better protection against incitement to discrimination and hatred. Under specific consideration, are amendments that would expand the scope of activities which come within the purview of the Canadian Human Rights Commission.

## Broadcasting Act

The Parliament of Canada is presently examining a proposal submitted by the Minister of Communications to amend the Broadcasting Act, R.S.C. 1970, c. B-11, in order to spell out, in the list of Canadian broadcasting policy objectives, that of respecting and promoting the equality and dignity of all individuals, groups or classes of individuals regardless of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. 52

### ARTICLE 6

#### Examination of complaints of discrimination

Changes were made to the procedures for handling complaints under the Canadian Human Rights Act. A revamped complaints process, designed to streamline the system and reduce the length of time it takes to investigate a complaint, has been put in place by the Canadian Human Rights Commission. The Canadian Human Rights Act was amended to provide for the designation of a person outside the Commission to appoint the human rights tribunals provided for in the Act. Through another procedural change to the Act, investigators are now required to obtain a warrant from a federal court judge to enter and search premises while investigating a discrimination complaint. Finally, pursuant to an agreement signed in March 1985 by the Canadian Human Rights Commission and the Public Service Commission, all discrimination complaints in the federal public service are now investigated by the Canadian Human Rights Commission. Previously, under an arrangement made by the two commissions shortly after the Canadian Human Rights Commission was set up in 1977, the Public Service Commission's Anti-Discrimination Directorate investigated those complaints. 53

#### Court challenges

During recent years the federal government operated a programme through which it provided financial support to groups and individuals to challenge before the courts laws perceived as contrary to the Constitution of Canada. Until recently such help was accorded only in the case of challenges involving language rights under the Constitution. 54

In September 1985, the government announced the extension of the programme to cover equality rights recognized under section 15 of the Canadian Charter of Rights and Freedoms, either taken by itself or in light of the guarantees of sexual equality (section 28) or the preservation and enhancement of the multi-cultural heritage of Canadians (section 27), in respect of federal legislation. The \$9-million budget over five years represents close to a tenfold increase in the level of funding available under the original programme. A private, non-profit organization, the Canadian Council on Social Development, has been mandated to administer the programme. The Council will appoint an independent panel to decide which cases should receive financial assistance. 55

#### Protection of lands reserved for the Indians

In reply to a question raised by a member of the Committee, mention was made in the previous report (paragraphs 70 - 75) of measures aimed at protecting the lands reserved for Indians. It should also be noted that there can be recourse to the courts. Such a case was reviewed by the Supreme Court of 56

Canada in 1984 after the Musqueam Band of British Columbia filed a suit against the federal government involving the surrender of Indian reserve lands to the Crown for lease to a third party. In leasing the land for the Musqueam Band, the band alleged that the federal government did not observe the terms requested by the Indians and subsequently failed to advise them of the terms of the lease or to provide additional information required by the band. The Supreme Court of Canada ruled in favour of the band, holding that the Crown had breached a fiduciary obligation to the band. The band was awarded \$10 million. (Guerin v. The Queen, [1984] 2 S.C.R. 335).

- 57 In June 1984, the Government of Canada reached a final agreement with the Inuvialuit of Western Arctic in the Northwest Territories on their comprehensive claims. The agreement provides title to 91,000 square kilometres of land, including subsurface rights to 11,000 square kilometres; it provides a full range of regulatory and advisory bodies of which the Inuvialuit are members or advisors; and it establishes a framework within which the Inuvialuit will enjoy an increasing degree of autonomy over their own affairs. Beneficiaries will receive \$45 million (1977 dollars) in a series of payments, in addition to programme funding.
- 58 Six other "comprehensive" claims are under negotiation, and fifteen others have been accepted as valid and are awaiting negotiation. In addition, as of October 1985, the Office of Native Claims reported 270 "specific" claims, of which 16 had been settled by negotiation, 45 were under negotiation, 36 had received settlement offers, 56 had been referred for administrative remedy, 21 had been rejected and 10 were in litigation. The remainder were under review or in abeyance.
- 59 In July 1985, the government appointed a task force composed of five prominent Canadians knowledgeable in Native matters to conduct a fundamental review of all aspects of the comprehensive claims process.

## ARTICLE 7

### Education and information

- 60 The Government of Canada continues to give support to projects in the field of human rights education and information initiated by the non-governmental sector. For example, in the years 1984 and 1985, the Department of the Secretary of State of Canada funded the following projects:
- two summer courses organized respectively by Dalhousie Law School (Halifax, Nova Scotia) and by the Human Rights Research and Education Centre of the University of Ottawa;
  - development by Confederation College of Applied Arts and Technology (Thunder Bay, Ontario) of a learning materials package including a video presentation on the Canadian Charter of Rights and Freedoms for students at the community college level;
  - seminars organized by the Niagara Institute (Niagara Falls, Ontario) for labour and private industry associations;

- development of learning materials for adult education undertaken by the Ontario Institute for Studies in Education;
- production of a one-minute vignette on section 2(b) of the Canadian Charter of Rights and Freedoms (freedom of expression). This is intended as material for the television networks and community stations throughout Canada;
- development, by the Canadian Human Rights Foundation, of model units for the teaching of human rights; and
- several publications from associations such as the Canadian Human Rights Foundation, the Canadian Rights and Liberties Federation, the Canadian Red Cross Society and the Canadian Human Rights Reporter.

The Department of Justice, through its Human Rights Law Fund, has continued to provide financial assistance for a variety of projects relating to human rights. These include contributions to the International Conference of Black Lawyers and Jurists, a symposium on section 15 of the Canadian Charter of Rights and Freedoms for the Canadian judiciary put on by the Canadian Institute for the Administration of Justice, and contributions to human rights conferences at Dalhousie Law School, Laval University and the Institute of Comparative Law at McGill University. In addition, funding has been provided for research on language rights and for a publication aimed at advising Native peoples of their rights under the Charter.

61

In order to facilitate discussions of progress accomplished since the publication of the report of the Royal Commission on Bilingualism and Biculturalism in the '60s, the Commissioner of Official Languages organized, in September 1982, a colloquium on The linguistic challenge of the '80s: Issues in bilingualism, at Trent University in Peterborough, Ontario. Some 50 distinguished Canadians reviewed the progress achieved in the public sector, business and education. A second colloquium was held in May 1984, again under the auspices of the Commissioner, this time at the University of Alberta in Edmonton. The Edmonton meeting explored the same issues as the first meeting but from the perspective of Western Canada. The 85 participants, mostly from Western Canada, reviewed the situation with respect to official languages taking account of the multicultural characteristics of that region. The proceedings of both meetings were published in special issues, Nos. 10 and 14 of Language and Society, a quarterly magazine published by the Commissioner of Official Languages.

62

#### Role of the media

Canadians of origins other than British, French or Native form one third of the Canadian population. It is one of the important social goals that they and their communities have a place of their own in Canada and the unique contribution they make must be woven into the country's fabric. It is with these concerns in mind that public hearings were held by the Canadian Radio-television and Telecommunications Commission during the spring of 1985. In July 1985, the Commission released a policy entitled "A Broadcasting Policy Reflecting Canada's Linguistic and Cultural Diversity" which was designed to encourage the growth and development of ethnic programming in Canada, help ensure that culturally and racially distinct groups receive broadcasting

63

services, and enhance the variety and broaden the scope of the Canadian broadcasting system for all Canadians. In this connection, the policy specifically deals with the definition of ethnic programmes, the licensing of ethnic radio and television stations, ethnic programming on conventional stations, the cable carriage of ethnic radio and television stations, the role of the community channel, special programming services, closed circuit cable radio and the use of Subsidiary Communications Multiplex Operations (SCMO) in providing ethnic programming.

- 64 In response to one of the recommendations of the Commission, the Minister of State for Multiculturalism established an interdepartmental working group to examine a framework and mandate for a national advisory committee on ethnic broadcasting.

### **PART III: PROVINCES**

#### **BRITISH COLUMBIA**

The Government of British Columbia has indicated that the situation described 65  
in the seventh report remains substantially the same.

#### **PRINCE EDWARD ISLAND**

The Government of Prince Edward Island has indicated that there is no change 66  
to report. The Prince Edward Island Human Rights Commission continues to  
review complaints of discrimination and to carry out educational activities.

ALBERTA INPUT TO THE CANADIAN EIGHTH REPORT ON THE INTERNATIONAL CONVENTION  
ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Part I: General information

- 67 Alberta's contribution to the seventh report provided information on legislation, practices and policies that give effect to the provisions of the Convention. The present report contains information not mentioned in the seventh report as well as information on new developments since that report was prepared.

Part II: Information in relation to each of the articles in Part I

ARTICLE 2

ALBERTA DEPARTMENT OF CULTURE

- 68 The enactment of the Alberta Cultural Heritage Act in 1984 resulted in the adoption of the following policies and measures which give effect to the provisions of Article 2:

1. The Government of Alberta has reaffirmed the Cabinet Committee on Cultural Heritage as a permanent committee of the Executive Council. Membership of the Committee is made up of the following: Minister of Culture (Chairman), Attorney General, Minister of Advanced Education, Minister of Education, Minister of Labour, Minister of Manpower, the Caucus Chairman of Edmonton and Calgary and any other member of the Legislative Assembly deemed necessary by the Chairman.
2. The former Cultural Heritage Branch in the Alberta Department of Culture has been expanded to become a new Cultural Heritage Division, headed by an Assistant Deputy Minister. This Division's mandate is guided by the objectives of the new Act. Its purpose will be:
  - to recognize and endorse the cultural heritage of Alberta;
  - to encourage the preservation, enhancement and development of artistic, historical and language resources by ethno-cultural groups in Alberta;
  - to encourage ethno-cultural groups in Alberta to share their traditions with others;
  - to foster circumstances under which the cultural heritage of Alberta is treated as a positive factor in economic, social, artistic and educational development.

Under these objectives the Cultural Heritage Division will play a lead role in interrelating with other government departments.

3. In order to have a broader community representation advising the government on all matters relating to the Alberta Cultural Heritage Act, the Alberta Cultural Heritage Council has been restructured to include eight regional councils and a Provincial Co-ordinating Committee. Membership in the Council will be for a two-year term and will include one representative selected by each ethno-cultural group in the region as well as representatives elected by voluntary organizations working in the cultural heritage area.

4. The legislated objectives of the Alberta Cultural Heritage Foundation and Alberta Heritage Day have been replaced by the new objectives of the Alberta Cultural Heritage Act. These now are:

- to encourage respect for the cultural heritage of Alberta;
- to promote tolerance and understanding of others through appreciation of the ethno-cultures that make up the cultural heritage of Alberta;
- to recognize that the presence of ethno-cultural groups in Alberta provides Albertans with an opportunity to develop relationships with other countries;
- to enhance the cultural heritage of Alberta so that present and future Albertans can benefit from its richness and diversity.

5. The Cultural Heritage Division of Alberta Culture promotes the ethno-cultural heritage of Alberta by providing resources and programs to community groups meeting the above objectives. The Division fosters a co-operative relationship among government departments engaged in cultural heritage programs and encourages communication between the Division and community groups with respect to multicultural training, financial assistance, community development, exposure and information programs.

## ARTICLE 7

### ALBERTA DEPARTMENT OF EDUCATION

Curriculum materials dealing with Native cultures are being developed in co-operation with Native groups and individuals. 69

A Native Education Project Team has been formed to develop, in consultation with Native communities and individuals, a provincial Native education policy and to co-ordinate the development of educational materials and resources suitable for use by both Native and non-Native children. The policy and resources will be directed toward Indian and Métis cultures, histories and languages. 70

As a result of the report of the Advisory Committee on Tolerance and Understanding, changes in curriculum and/or materials have been implemented which foster greater tolerance and respect for minority groups. 71

### ALBERTA DEPARTMENT OF ADVANCED EDUCATION

A special project in Calgary involved English-as-a-second-language instructors in training and assisting apprenticeship instructors. The objective was to improve the learning opportunities for apprentices whose first language was not English. 72

### ALBERTA DEPARTMENT OF MANPOWER

Since the last reporting period, measures adopted to address the condition of immigrants and Natives have been enhanced. These measures include settlement services, employment counselling and relocation services and an Opportunity Corps Program. 73

**MANITOBA\***

**Part I: General Information**

74 In Manitoba, The Human Rights Act, Continuing Consolidation of the Statutes of Manitoba (hereinafter referred to as C.C.S.M.), c. H17 remains in force. Its provisions, as they relate to racial discrimination, were outlined in Manitoba's section of Canada's sixth report.

75 During the calendar years 1982, 1983, and 1984, the number of complaints of discrimination received by the Manitoba Human Rights Commission was as follows:

1982 - 521

1983 - 539

1984 - 486

76 Breaking down the number of complaints of discrimination made according to the relevant grounds of race, colour, nationality, or ethnic or national origin, the figures are as follows:

<u>Ground</u>	<u>Number and Percentage of Complaints</u>		
	<u>1982</u>	<u>1983</u>	<u>1984</u>
Race	100 (19%)	114 (21%)	107 (22%)
Colour	60 (12%)	95 (18%)	93 (19%)
Nationality/ethnic or national origin	94 (18%)	112 (21%)	108 (22%)
TOTAL	254 (49%)	321 (60%)	308 (63%)

77 The majority of complaints continues to be in the area of employment (52% of total cases in 1984), followed by services (19%) and housing (18%).

**Part II: Articles 2 to 7 of the Convention**

**ARTICLE 2**

**Policies to Address Discrimination in Employment**

78 In 1983, the Province of Manitoba and the Manitoba Government Employees Association jointly agreed on the implementation of an Affirmative Action Program for the provincial civil service. The program is designed to redress existing discriminatory barriers and to enhance promotion and equality of treatment for women, Native people, the physically disabled and visible minorities.

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\* Report prepared by the Government of Manitoba.

Long-term employment objectives have been set for all of the groups targetted except for visible minorities, a group which was added as a target group in 1985. The objectives are to cover a 20-year period and include all job classifications. The objectives are as follows: 79

- i) 50% employment of women
- ii) 10% employment of Native people
- iii) 7% employment of physically disabled persons.

To implement the program, joint union/management Affirmative Action Committees have been established at both the central and departmental levels. The committees are responsible for designing plans which include outreach recruitment, special training, and management development programs to redress the effects of past practices and to accelerate equal representation in the work force in keeping with the objectives outlined. 80

## ARTICLE 5

### The Right of Access to Public Places and Services

The Human Rights Act of Manitoba continues to protect individuals from discrimination on the grounds outlined in Part I in the area of public services. In particular, sections 3(1) and 3(2) state as follows: 81

3(1) No person shall

- (a) deny to any person or class of persons any accommodation, service, facility, goods, rights, licence or privilege available to the public or to a section of the public; or
- (b) discriminate against any person or class of persons with respect to any accommodation, service, facility, goods, right, licence or privilege available to the public or to a section of the public;

unless reasonable cause exists for the denial or discrimination.

3(2) For the purposes of subsection (1), the race, nationality, religion, colour, sex, age, marital status, family status, physical or mental handicap, or ethnic or national origin of a person does not constitute reasonable cause unless the Commission is satisfied after considering the facts of the particular situation that a denial or discrimination on such grounds is justified in that particular situation.

## ARTICLE 6

### Relevant court decisions

In the 1985 decision of the Manitoba Court of Appeal, Warren v. Chapman and The Manitoba Human Rights Commission (Suit No. 286/84), the court considered the question of the jurisdiction of a Board of Adjudication appointed under Manitoba's Human Rights Act to hear complaints of discrimination involving 82

newspaper articles or editorials. The section of the Act in question was section 2 which says:

2(1) No person shall

- (a) publish, display, transmit or broadcast, or cause to be published, displayed, transmitted or broadcast; or
- (b) permit to be published, displayed, broadcast or transmitted to the public, on lands or premises, in a newspaper, through television or radio or telephone, or by means of any other medium which he owns or controls;

any notice, sign, symbol, emblem or other representation

- (c) indicating discrimination or intention to discriminate against a person or
- (d) exposing or tending to expose a person to hatred;

because of the race, nationality, religion, colour, sex, marital status, physical or mental handicap, age, source of income, family status, ethnic or national origin of that person.

2(2) Nothing in subsection (1) shall be deemed to interfere with the free expression of opinion upon any subject.

2(3) Subsection (1) does not apply to the display of a notice, sign, symbol, emblem or other representation displayed to identify facilities customarily used by one sex.

83 The Court of Appeal held that section 2(1) did not in fact extend to newspaper articles and editorials.

## ARTICLE 7

### Education and Teaching

84 The Manitoba Department of Education consists of two main sectors: the elementary/secondary sector and the post-secondary sector. The various divisions and branches within each of these sectors seek to provide services designed to effect a qualitative change in society's attitude towards Native people and other visible minorities.

#### Elementary/Secondary Sector

85 The Curriculum Development Branches have undertaken a number of initiatives relating to the issue of racial discrimination. They have prepared guidelines for teachers describing various types of discrimination and discriminatory situations and suggesting measures such as the use of non-discriminatory language and specific educational classroom practices.

86 The social studies curriculum from Kindergarten to Grade 12, recently revised, emphasizes understanding of all people. There is special emphasis in Grades

9, 11 and 12 on human rights and discrimination. The role that Native people and immigrants played in the development of Canada is emphasized. The Grade 12 course "promotes understanding, tolerance and friendship among nations and racial and ethnic groups".

The department examines all recommended materials to ensure that they do not promote racial prejudice and discrimination. Efforts are made to ensure that all racial groups are presented fairly. 87

Non-print programs produced to support the teaching/learning process in Manitoba schools gave particular emphasis in 1984 to the needs of Native education. 88

English as a second language curriculum (hereinafter referred to as "ESL") has been developed for those new Canadians whose English-language skills are limited. As well, work is being done in the area of heritage language curriculum development. 89

Finally, teacher inservices on multicultural education are prepared by the department to seek to foster intercultural understanding. 90

The **Instructional Resources Branch** of the Department of Education ensures that all books, films, video recordings and kits purchased for teacher and student use by the library in support of the K-12 curriculum are accurate and are positive in their approach towards Native peoples and other visible minorities. The Multiculture Educational Resource Centre, in particular, plays a key role in support of multiculturalism in the schools. The Centre ensures that resources for teaching about Canada's multicultural groups are made available to teachers and other individuals. Through its annual Multiculture Week and other activities, the Department promotes understanding, tolerance, and acceptance of all people. 91

The department's **Native Education Branch** has as its main objective to provide programs and services that will help to make the Manitoba educational system more responsive to the needs of Native students. On an on-going basis the Native Education Branch develops curricula for Native languages and Native studies, focusing on the Métis in Canada; develops curriculum support materials, focusing on Native languages, English language development for Native students, career counselling for the Native student and Native studies. The Branch also provides inservices for curriculum implementation and professional development, focusing on early childhood education, Native awareness, Native languages and English language development. It also develops program guidelines for the English Language Development for Native Students funding; and finally, organizes the Annual Native Educators' Conference. 92

Manitoba Education also has within its purview **Frontier School Division No. 48** which is responsible for the education of Native and northern children. Eighty-five percent of Frontier School Division students are Native. The Division operates 35 schools in 33 different communities. Its Central Advisory Committee is made up of elected representatives from the local school committees and representatives from the Manitoba Metis Federation and the Manitoba Indian Education Association and provides direction on division-wide policies and procedures. Curriculum development responds to the needs of the 93

Native students, including Cree language programs, English as a second language program and Social Studies and Native Education for Native and Northern populations. A number of training programs have also been established, including a School Counsellors Training Program, a Residence Library Technician Training Program, a Native Trainer Program and a School Business Manager Training Program.

### Post-Secondary Sector

- 94 The post-secondary sector forms a division unto itself. The Post-Secondary, Adult and Continuing Education Division (hereinafter referred to as, "P.A.C.E.") includes Manitoba's three Community Colleges and the Adult and Continuing Education Branch. P.A.C.E.'s mission is to increase accessibility to post-secondary education for those individuals and groups who, due to cultural, socio-economic, geographic or other factors, have participated only marginally in post-secondary education.
- 95 Some of the programs administered by the Adult and Continuing Education Branch are: Special Pre-Medical Studies Program, designed to provide Native residents of Manitoba who lack the pre-requisite for entry into the medical faculties with an adequate background so that they can compete successfully for entry; Inner City Nursing Program, training core city residents (with emphasis on Native people) for service in the core area; Adult ESL, providing grants to school divisions for the purpose of assisting in the delivery of Adult ESL programming. Other programs include the University of Manitoba ACCESS Program which includes: the Engineering ACCESS Program, designed to extend opportunities to people of Native ancestry; the Professional Health Program which offers graduates of the Special Pre-Medical Studies Program opportunities to study medicine, dentistry and pharmacy; the Community College Access Program where students, primarily of Native ancestry, are enrolled in a variety of courses offered by the college; ACCESS North (Thompson), providing opportunities in post-secondary education and training for people of Native ancestry.

### Culture

- 96 The Manitoba Intercultural Council was established by an Act of the Legislature in 1983 to act as an advisory and consultative body to the Manitoba Government. Every ethnocultural group in Manitoba has the opportunity to be represented on the Council. Two-thirds of the representatives are elected for two-year terms by delegates from the respective communities, while the Government has the opportunity to appoint one-third.
- 97 The objectives of the Council are as follows:
1. To review policies and activities relating to the Government of Manitoba's multicultural policy.
  2. To research, develop and propose policies and activities regarding multicultural developments in Manitoba.
  3. To promote the full participation of all Manitoban ethnocultural communities.

4. To provide a channel for the expressed opinions, aspirations and needs of ethnocultural and other community organizations, groups and individuals on multicultural issues in Manitoba.
5. To develop and promote the understanding of diverse ethnocultural backgrounds by the sharing of our multicultural heritage.
6. To strive to eliminate prejudice and discrimination.
7. To fully recognize the contribution of all ethnocultural groups to our cultural enrichment, and preserve and enhance these contributions.

Other initiatives include the Manitoba Arts Council's Access Program. This program is intended to aid existing community organizations in providing development or presentation opportunities to those artists aspiring to participate in the professional milieu. 98

The program is designated for select target groups including Native people and other ethnocultural minorities who face barriers to full access in the participation of the professional arts. 99

Ongoing support continues to be provided by way of linguistic support to Manitoba's non-profit community-based ethnocultural organizations for the teaching of ancestral language programs outside the public school system. 100

A number of community activities took place in Manitoba in 1984 in commemoration of the passing of the United Nations Universal Declaration of Human Rights. The Canadian Council of Christians and Jews and the United Nations Association co-sponsored a one-day workshop for high school students on the topic of "Prejudice and Discrimination". The workshop featured presentations, films and discussion and gave students an opportunity to become more familiar with the concepts of prejudice and discrimination as well as with the contribution made to the community by our diverse ethnic, cultural, racial and religious groups. 101

Other activities marking the occasion included a half-hour television program on human rights, a public discussion entitled "The United Nations and Apartheid", and a discussion of human rights issues at home and abroad at Daniel McIntyre High School in Winnipeg. 102

## REPORT OF THE PROVINCE OF NEW BRUNSWICK

- 103 The Province of New Brunswick continues to carry out programmes, activities and educational undertakings directed to the elimination of racial discrimination as outlined in the seventh report. Information on programmes can be found in paragraphs 157 to 202 of that report.
- 104 Statutes and legislative law in New Brunswick have been amended to bring them in line with the Canadian Charter of Rights and Freedoms. Changes that have potential impact on racial minorities are the repeal of the Lord's Day Act which has been replaced with the Days of Rest Act, and amendments of many laws to give the choice to either take an oath using the Bible or to make an affirmation. Previously provision was made only for taking an oath using the Bible.
- 105 The New Brunswick Human Rights Commission works closely with the Multicultural Association, the Human Rights Awareness Association, the Atlantic Jewish community and various Black equality groups. The Commission member responsible for Native persons works to promote a greater understanding of Native Indian culture. He investigates and conciliates individual complaints of discrimination; he also develops educational programmes and employment creation programmes for Native persons.
- 106 During the July 1983 to June 1984 period 160 formal complaints were filed with the Commission; 35 were on the grounds of race, ancestry, place of origin or colour. Of this number, 16 alleged discrimination in employment, one alleged discrimination in housing and 13 alleged discrimination in the provision of services. All of these complaints were conciliated to the satisfaction of the parties, eliminating the need to hold a board of inquiry.
- 107 The increase in the number of complaints filed on the grounds of racial discrimination is partly due to a greater awareness by groups and individuals of the work done by the Commission. The Province of New Brunswick continues its efforts to make equality for everyone a reality.

NEWFOUNDLAND\*

- The Government of Newfoundland and Labrador submits the following to complement the information contained in the seventh report of Canada. 108
- The Newfoundland Human Rights Code R.S.N., 1970, c. 262 as amended, continues to be the prime legislative tool for combatting racial discrimination within the Province of Newfoundland. 109
- Since the province has a relatively small population (approximately 600,000), and in excess of 95% of that population is descended from common roots, there are relatively few racial problems. 110
- In the period under review the Newfoundland Human Rights Commission received no complaints of discrimination on the basis of race that proceeded to a formal enquiry and such matters as were brought to the attention of the Commission were quickly resolved. 111
- The education officer continues to make herself available to racial and cultural groups, with the Immigrant Women's Association making regular use of such services. 112
- The Director of the Commission has attended the swearing-in of new Canadian citizens and has made appropriate remarks. 113
- The number of persons arriving from other countries and cultural backgrounds continues to grow, albeit slowly, and the province is therefore attempting to devise ways and means to understand the needs and aspirations of people who must adjust to a new land and to also promote understanding in its own people who have not been exposed to multiculturalism on a large scale. 114
- To this point we have been encouraged by the adaptive qualities of the former and the understanding and tolerance of the latter. A development worthy of note is the cultural nights of the East Indian, Chinese and Filipino communities which are designed to introduce themselves to fellow citizens of other backgrounds. 115
- Whilst the Native population of the province is not large (approximately 2,500) it has the same problems and concerns as indigenous people in other regions of Canada. These problems are often complicated and whilst solutions are elusive and progress slow, there is hope of reaching legal and equitable results. 116
- The Government of Newfoundland and Labrador, in co-operation with the Government of Canada, funds a Courtworker Program through Labrador Legal Services, a carrier agency, which assists Native people who come in conflict with the law. In an effort to more fully understand cultural viewpoints a highly qualified Native person has been appointed a member of the provincial judiciary. 117

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\* Report prepared by the Government of Newfoundland and Labrador.

- 118 Significant progress has been made through federal-provincial consultation and co-operation in correcting the status, land and housing concerns of many of our Native people.
- 119 The desire of Native people to preserve their own languages is fostered through the provision of a language consultant for Labrador schools.
- 120 A significant cultural development has been the participation of Native groups in the provincial drama festival with one group progressing to the Dominion Drama Festival Finals where it won a special award.
- 121 In September of 1985 a new enlarged Human Rights Commission was appointed. It now consists of a chairperson and six commissioners. These commissioners are drawn from varied fields of work and interest. The Commission has expressed its desire to fully implement the provisions of the current Code but is at the same time supporting an effort of the Justice Department which is directed to producing a substantial revision of the Code.
- 122 The Code as now written was amended in 1984 to include mental disability and The Charter of Rights Amendment Act 1985 was passed to bring Newfoundland Legislation in conformity with the Canadian Charter of Rights and Freedoms.
- 123 The Commission continues to believe that lasting results in the promotion of human dignity will mainly come about through education and therefore the Commission is happy that funding has been approved to increase educational material and personnel.
- 124 The Newfoundland Human Rights Commission will continue its efforts to combat discrimination and to develop and conduct educational programs and research designed to eliminate discriminatory practices relating to race, religion, religious creed, sex, marital status, physical and mental disability, political opinion, colour or ethnic, national or social origin.

## NOVA SCOTIA'S CONTRIBUTION TO CANADA'S EIGHTH REPORT UNDER THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

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Canada's seventh report under the International Convention on the Elimination of All Forms of Racial Discrimination was submitted to the Secretary-General of the United Nations in August 1985. The seventh report covered the period from mid-summer 1982 to the end of 1983. This report will, therefore, refer to activities in Nova Scotia under the above Convention, since then. 125

### Part 1 - General

(a) The Nova Scotia Human Rights Act is the main legislative enactment which translates Nova Scotia's policy on the elimination of racial discrimination into legal rights and responsibilities. This Act prohibits discrimination in all facets of public life: employment; housing; accommodation, services and facilities; property rights; membership in employees unions, employer organizations, professional business or trade associations and volunteer organizations entrusted with the responsibility of carrying out a public function; and advertising (display of signs, notices, etc.). 126

(b) The Nova Scotia Human Rights Commission is statutorily mandated to inquire into and endeavour to effect a settlement of any complaint of an alleged infraction under the Nova Scotia Human Rights Act, when an aggrieved individual lodges a complaint or when the Commission has reasonable grounds for believing that a complaint exists. 127

If a settlement cannot be effected, the Commission shall make a report to the Minister in charge of the administration of the Human Rights Act, who may appoint one or more persons to constitute a board of inquiry to investigate and seek settlement of the complaint. 128

(c) There are over 70 different ethnic groups living in Nova Scotia and they comprise approximately 9% of the total population. In this definition of ethnic groups we have not included either the Acadian population or the Native Micmac population. 129

### Part II - Information in Relation to Articles 2 to 7 of the Convention

#### ARTICLE 2

(a) The Government of Nova Scotia has, through the Department of the Attorney General, carried out a review of all the statutes and regulations administered by various government departments and provincial Crown corporations to ensure conformity with the Canadian Charter of Rights and Freedoms. Section 15 of the Charter stipulates that, "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability". 130

On December 9, 1983, the Premier of Nova Scotia proclaimed the years 1984 to 1994 as "A Second Decade for Action to Combat Racism and Racial Discrimination" in Nova Scotia. 131

- 132 On December 10, 1984, the Government of Nova Scotia issued a Policy statement on Human Rights, confirming the Government's declaration that discrimination on the grounds of race, colour, ethnic or national origin, etc. will not be tolerated in Nova Scotia.
- 133 Under Section 18 (b) of the Human Rights Act, "the Commission shall develop a program of public information and education in the field of human rights to carry forward the principle that every person is free and equal in dignity and rights without regard to race, religion, creed, colour or ethnic or national origin".
- 134 During the period under review, Commission officers participated in over 150 speaking engagements, conferences and seminars. The school conference program which commenced in 1974 continues to be a very important facet of the public education program of the Commission. Jointly with local school boards, the Commission has to date sponsored 101 school conferences at the elementary, junior high and high school levels.
- 135 Section 13(1) of the Human Rights Act states that, "where in any regulation made under the authority of or pursuant to an enactment that is a reference to race, religion, creed, colour or ethnic or national origin of any individual or class of individuals which appears to restrict the rights or privileges of persons to whom the reference applies, the reference and all parts of the regulation dependent on the reference shall be void and of no legal effect". This section does not apply to exclusively ethnic or religious organizations that are operated primarily to foster the welfare of the group and not operated for private profit.
- 136 (b) The Nova Scotia Civil Service Commission, which is responsible for the hiring of all employees in the provincial public sector, has an affirmative action program designed to help members of visible minority groups (as well as women and the disabled).
- 137 The Nova Scotia Policy Board has established three separate committees to recommend measures designed to promote the welfare of the Blacks, the Natives and the Acadians.
- 138 The Nova Scotia Department of Culture recognizes a responsibility to assist in the preservation of the many cultures that have jointly created the distinct blend that characterizes the Nova Scotian heritage today. The Department of Culture recognizes the Multicultural Association of Nova Scotia as the organization representing regional multicultural councils, specific ethnic organizations and the general interests of individuals working in the area of multiculturalism.
- 139 The Department of Culture provides financial and cultural support to the Multicultural Association of Nova Scotia and promotes interaction among all multicultural groups through conferences and other activities which provide a forum for new ideas and are also a source of evaluation of the department's programs.
- 140 During the period under review, two new organizations, the Heritage Language Association of Nova Scotia and the Multicultural Youth of Nova Scotia, became affiliated with the Multicultural Association of Nova Scotia. The Heritage

Language Association provides financial and other support to different ethnic organizations to retain and promote their distinctive languages.

### ARTICLE 3

The Nova Scotia Liquor Commission which operates all the retail liquor stores in the province has taken a policy decision that it will not in future carry any stocks of South African spirits and wines as a measure of condemnation of the apartheid policy of South Africa. 141

### ARTICLE 4

Section 12 (1) of the Human Rights Act states that "No person shall publish, display or broadcast, or permit to be published, displayed or broadcast on lands or premises, or in a newspaper or through a radio or television broadcasting station or by means of any other medium, any notice, sign, symbol, implement or other representation indicating discrimination or an intention to discriminate against any person or class of persons for any purpose". 142

Section 12 (2) states that "Nothing in this Section shall be deemed to interfere with the free expression of opinion upon any subject in speech or in writing". 143

In Black United Front of Nova Scotia vs Barry Bramhill, a board of inquiry appointed under the Nova Scotia Human Rights Act held that Mr. Bramhill discriminated against the Blacks in violation of Section 12 (1) of the Human Rights Act although there was no intention to discriminate. Dean Charles in his decision stated that "neither freedom of speech nor freedom of the press represent absolute freedoms". 144

### ARTICLE 5

The Canadian Charter of Rights and Freedoms (The Constitution Act of 1982) is part of the supreme law of Canada. Under section 15 (1) of the Charter "every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability". 145

Sections 7 to 14 of the Charter deal with legal rights including the right to security of person, the right to security against unreasonable search and seizure, etc. 146

Sections 3 to 5 of the Charter deal with democratic rights including the right to participate in elections on the basis of universal and equal suffrage. 147

Section 4 of Nova Scotia's Human Rights Act states that, 148

"No person shall

- (a) deny to any individual or class of individuals enjoyment of accommodation, services and facilities to which members of the public have access; or

(b) discriminate with respect to the manner in which accommodations, services and facilities, to which members of the public have access, are provided to any individual or class of individuals,

because of the race, religion, creed, colour or ethnic or national origin of the individual or class of individuals."

## ARTICLE 6

- 149 (a) Section 23 of the Human Rights Act requires the Commission to inquire into and endeavour to effect a settlement of any complaint of an alleged violation of the Act. If the Commission is unable to effect a settlement of the complaint, the Commission is required under Section 25 of the Act to report to the Minister who may appoint a public board of inquiry into the matter.
- 150 (b) Under Section 26 A (7) of the Human Rights Act, a board of inquiry has jurisdiction and authority to determine any question of fact or law in reaching a decision on whether a person has contravened the Act and, under Section 26 A (8), the board of inquiry may order any party who has contravened the Act to do any act or thing that constitutes full compliance with the Act and to rectify any injury caused to any person or to make compensation for the injury.
- 151 (c) Under Section 26 A (1), a board of inquiry appointed under the Human Rights Act is required to conduct a public hearing and it has all the powers and privileges of a Commissioner under the Public Inquiries Act. A board of inquiry shall give full opportunity to all parties to present evidence and make presentations (vide Section 26 A (3)). All evidence taken before the board of inquiry shall be recorded and transcripts of the proceedings shall be furnished on the same terms as in the Supreme Court of Nova Scotia (vide Section 26 A (4)).
- 152 Under Section 26 A (9), the board of inquiry shall file with the Commission the record of the proceedings including the decision and any order of the board, and the Commission may publish the decision and any order in any manner it considers appropriate. Decisions of the boards of inquiry are published in full in the Canadian Human Rights Reporter and the media usually publishes the decisions highlighting the salient facts.
- 153 Under Section 27, there is a right of appeal on a question of law from the decision or order of the board of inquiry, to the Appeal Division of the Supreme Court of Nova Scotia.
- 154 Under Section 29, any person who refuses or neglects to comply with any order can be tried by way of summary conviction in the Magistrate's Court.
- 155 Under Section 32, the Minister in charge of the administration of the Human Rights Act may apply to the Trial Division of the Supreme Court of Nova Scotia for an injunction to prohibit any person who has been convicted under the Act from continuing the offence.

## ARTICLE 7

- The Ethnic Services Division, formerly of the Nova Scotia Department of Education, now functions as a division of the Nova Scotia Human Rights Commission. This division has implemented and supported strategies geared to improving the quality of education provided to the diverse and varied learners, educators, schools and communities in Nova Scotia. The process of evaluating textbooks and learning materials has been improved and expanded upon and guidelines have been established for publishers of new material which may be produced for use in the schools of Nova Scotia. 156
- A booklet has been developed for use in teacher training institutions dealing with human rights as well as Micmac (Native) studies. 157
- The Ethnic Services Division has been very active in collaborating with many local, provincial, regional and national organizations involved in the promotion and understanding of multiculturalism and multicultural education. A multicultural education committee has been formed in co-operation with other government departments and educational and ethnic organizations to provide centralized services to those involved with education in the province. 158
- The Ethnic Services Division has, in conjunction with the Nova Scotia Teachers Union, carried out in-service training and workshops for teachers on multicultural education. It has co-operated with the International Education Centre at Saint Mary's University in Halifax to produce an Ethnic Studies Series. It has also collaborated with the Canadian Council of Christians and Jews in activities designed to promote crosscultural understanding and interaction. 159

## ONTARIO\*

- 160 This report sets out policies, programs and activities of the Government of Ontario conducted between July 1983 and October 1985 in accordance with the objectives of the International Convention on the Elimination of All Forms of Racial Discrimination. This information serves to update the more extensive material found in Ontario's portion of Canada's seventh report.

### Interpretation of the Convention

- 161 Ontario has participated with other provinces and the federal government in the development of an interpretation and understanding of the articles of the Convention on the Elimination of All Forms of Racial Discrimination.

### Cabinet Committee on Race Relations

- 162 On June 26, 1985, a new government came into office in Ontario. The commitment of the new Government of Ontario to the policies of the Convention on the Elimination of All Forms of Racial Discrimination is reflected in its establishment of a new Cabinet Committee on Race Relations (CCRR). On August 14, 1985, Cabinet mandated the Committee to do the following:

1. co-ordinate and direct the race relations programs and activities of all ministries;
2. plan, encourage and facilitate new race relations activities within the Ontario Government and in all its agencies, boards and commissions; and
3. meet with community groups as appropriate.

- 163 The Committee is chaired by the Attorney General of Ontario. Its other members are the Ministers of Education, Labour, Housing, Citizenship and Culture, Colleges and Universities, Skills Development, and the Solicitor-General and Minister of Correctional Services.

- 164 The CCRR has embarked on an ambitious program of activity. It is developing government policies on issues such as equal opportunity for racial minorities in the public service, appointments of more minorities to agencies, boards and commissions, improving the race relations climate in public housing in Metropolitan Toronto, increasing the portrayal of racial diversity in government advertising, and race relations training for teachers. Additional issues that may be addressed by the Committee include racial minority youth unemployment, streaming in the education system, and concerns of racial minority women.

## ARTICLE 2

- 165 A number of initiatives have been taken in Ontario to discourage racially discriminatory acts and practices and to eliminate barriers between races.

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\* Report prepared by the Government of Ontario.

## The Ontario Human Rights Commission

### (a) Implementation of an expanded Human Rights Code

Fiscal year 1983-84 was the first full year of the implementation of a new and expanded Human Rights Code. On June 15, 1984, following a two-year grace period, the primacy provisions of the Code came into force. The primacy provisions reflected the decision of the Legislature in enacting the new Code, that the public policy embodied in the statute should be reflected and respected in other Ontario laws. Accordingly, the provisions of the Code now apply and prevail in instances where other acts or regulations require or authorize conduct that contravenes the Code, unless the act or regulation specifically provides that it is to apply notwithstanding the Code. 166

Another important feature of the new Code concerns a prohibition on unintended discrimination. The deliberate discrimination against individuals seen in the past, particularly on racial grounds, has now been greatly reduced, but still exists. However, there is an increasing recognition that systemic discriminatory practices continue to be generated by a complex interaction of seemingly neutral policies that affect the opportunities of racial and other minority groups as they attempt to participate in the institutions that make up our society. Section 10 of the Code allows recourse against the consequences of those apparently neutral employment practices which, while not appearing to be exercised either intentionally or in bad faith, nevertheless restrict opportunities for a large number of individuals. 167

The provisions of section 10 have been applied in complaints based on race involving discriminatory job requirements, pre-employment testing, and seniority systems. Ontario's employers are beginning to consider and implement non-discriminatory alternatives to practices that perpetuate systemic disadvantage to protected groups. 168

### (b) Job creation for minority youth

The Race Relations Division of the Ontario Human Rights Commission, together with other ministries and agencies of government, has developed initiatives to increase the participation of visible minority youths in job creation, job training and apprenticeship programs. Such programs recognize that the harm caused by a generally high youth unemployment rate is particularly great for youths belonging to minorities. In its effort to diffuse racial and ethnic tensions and to improve the race relations climate, the Division continued its special youth employment project in the summer of 1984. This project, funded by the Ontario Youth Secretariat, is in its fourth year of operation. It provided for the placement for a period of eight weeks of over 100 young people of various racial backgrounds in a great variety of jobs. In addition to gaining valuable work experience, these young people received race relations and life skills training. 169

### (c) Liaison with the criminal justice system

The Race Relations Division of the Commission and the Ministry of the Attorney General have worked to reconcile police and visible minority community organizations, and to respond to the needs of members of visible minorities who have felt they are not being treated fairly by the Ontario criminal justice 170

system. When police/minority tensions developed in a multiracial community in Metropolitan Toronto, the Division played a facilitative role in forging links with a local community organization and the Office of the Public Complaints Commissioner. Assistance was offered with respect to incidents of alleged police harassment. Similar efforts were undertaken in Southwestern Ontario, where problems developed between the Native community and a regional police force. Staff of the Division held discussions with police, Native leaders and the Ontario Police Commission on ways to implement long-term strategies designed to ensure positive police-Native relations in the area. The Division has also worked co-operatively with the Ministry of Correctional Services to develop a human rights and race relations policy in its system. It is also participating in planning a race relations training program, which will be conducted for all staff in Ontario correctional institutions.

(d) Meeting the needs of visible minority women

- 171 The Race Relations Division has also attempted to respond to the special needs of visible minority women. In co-operation with the Ontario Women's Directorate and the Ministry of Skills Development, it organized the first Canadian conference convened on discrimination as it affects visible minority women. The conference, held in October 1983 and attended by some 500 delegates from across the province, had as its theme "Racism, Sexism and Work". Among the beneficial results of the conference were that a working relationship between policy-makers and visible minority women was established, and that a province-wide, community-based coalition of visible minority women was formed to continue to work upon goals and objectives established during the conference session. Proceedings of this conference are providing the Ontario Human Rights Commission and the Ontario Women's Directorate with a basis for important policy and program decisions on the issues facing visible minority women in Ontario.

The Office of the Public Complaints Commissioner

- 172 Established in 1981, this is a civilian agency which monitors the handling of police complaints by the Metropolitan Toronto Police Force and provides a civilian review function for complainants who are dissatisfied with the disposition of their complaints. The Commissioner is actively involved in police-community relations, of which race relations is an important component. The agency is an active participant in the Metro Toronto Regional Working Group on Policing in Multicultural, Multiracial Urban Communities, which is formulating action plans to increase the number of visible minority police officers, develop and improve cross-cultural training programs for officers, identify improvement in civilian complaint procedures and co-ordinate police-community liaison activities.

Initiatives of the Ministry of Citizenship and Culture

- 173 Major objectives of the Ministry of Citizenship and Culture are to promote cultural sharing and understanding in Ontario's pluralistic society, and to promote community development by assisting multicultural community organizations. In a series of conferences, namely "Jamaicans in Ontario" (1983), "Ethiopians in Ontario" (1983), "Two Hundred Years - Learning To Live Together" (1984), and "Hispanics in Ontario" (1985), members of communities from across Ontario were brought together to enhance their sense of community,

their organizational and leadership skills, and to promote their participation in the society at large. The Ministry also sponsors training sessions for community groups to develop leadership skills and increasing internal organizational abilities. Funding is provided to community organizations under four grants programs:

#### Citizenship Development Grants Program

The focus of this program lies in the promotion of community participation, responsible citizenship, cultural sharing and understanding, leadership, organizational development in volunteerism. In 1983-84, a total of 48 organizations received \$635,042. In 1984-85, a total of 40 organizations received \$483,400. The budget for 1985-86 is \$497,900.

#### Multicultural Service Program Grants

This new grants program was created to provide increased stability to organizations serving immigrants. The program started in 1984-85 and it provided six-month funding to 58 organizations in the amount of \$650,000. The budget for 1985-86 is \$2.3 million.

#### Multiculturalism and Citizenship Community Projects Grants

This program assists community groups in developing projects which promote cultural heritage preservation and sharing, leadership and organizational development skills, voluntary action and citizenship development. In 1983-84, 189 organizations received \$998,079. In 1984-85, 252 organizations received \$1,545,223. The budget for 1985-86 is \$2.1 million.

#### Community Facilities Improvement Program

Initiated this year, the program is aimed at supporting the planning, purchase, construction, improvement and renovation of cultural, multicultural or citizenship facilities and for the conservation of heritage buildings in the province. The budget for 1985 is \$28,900,000.

The Ministry addresses the special needs of Native people through training programmes and financial assistance. Support is provided to facilitate project development, to develop managerial skills and to assist with operational costs.

174

#### Racial diversity in government advertising and communication

The government has a policy that all government advertising and communications should portray the racial diversity of Ontario. A task force conducts an ongoing review of all government advertisements and communications to ensure compliance with this policy. Members of the visible minority communities are involved in this process.

175

#### Metropolitan Toronto Council on Race Relations and Policing

The Council, established in 1976 and funded by the Attorney General of Ontario, the Solicitor General of Ontario and the Municipality of Metropolitan

176

Toronto, is a voluntary partnership between the police and the community for joint problem solving and conflict resolution. Issues the Council is now examining include cross-cultural training of police and disparate sentencing of racial minority youth.

### ARTICLE 3

- 177 The Government of Ontario has taken steps to register its condemnation of racial segregation and apartheid. On August 14, 1985, the Premier announced that no new purchases of South African wines and liquors would be made by Ontario's Liquor Control Board.

### ARTICLE 4

#### Group defamation

- 178 A report in possible legislative responses to defamation against racial minorities was submitted to the former Attorney General in March 1984. The Government is reviewing the report and considering what actions can be taken in addition to the existing provisions of the Criminal Code.

#### Hate literature

- 179 The Ministry of the Attorney General established a task force to investigate and review hate literature. If the task force is of the view that the publications in question offend the hate propaganda provisions of the Criminal Code, they are submitted to the Attorney General for possible prosecution.
- 180 Ernst Zundel was charged and convicted in an Ontario court under the Criminal Code for the offence of knowingly publishing false news which causes or is likely to cause injury or mischief to the public interest. Mr. Zundel printed and distributed pamphlets which claimed that the Holocaust was a lie.
- 181 Two others have been convicted of wilfully promoting racial hatred in contravention of the Criminal Code for the publication of the Nationalist Report, a magazine which, it was alleged, advocates hatred against non-whites.

### ARTICLE 5

- 182 The Ministry of Citizenship and Culture has developed a number of programs designed to assist racial minorities in effecting their right to equality. It has sought to accomplish this objective by sponsoring multilingual settlement counselling and referral services, by developing resource materials, and by providing support to organizations seeking to promote the rights of racial minorities.

#### Counselling and referral services

- 183 The Ontario Welcome House network provides multilingual settlement information, referral and counselling to newly arrived immigrants and refugees. Services are provided in 38 languages. Three storefront locations and a mobile unit in

Metropolitan Toronto were recently added to the network; and the first office to be located outside Toronto will open in Hamilton shortly. Also, to improve access for newcomers, an interministerial liaison unit has been established to promote better access to government services for all immigrants. The unit has contact with all provincial ministries as well as with other federal and municipal officials.

#### Resource materials

Resource materials developed by the Ministry include the following: Give and Take (1984), a video that focuses on community participation and offers information and advice about gaining access to community resources; a videotape describing our system of government and the rights and responsibilities of citizenship which is being produced in several languages; and New Beginnings, a quarterly newspaper on settlement related topics, now being prepared for distribution to all Ontario ministries and their agencies and which will have as its object the facilitation of better access to government services for all immigrants. 184

### ARTICLE 6

#### Broader remedies for racial harassment

The range of protection and remedies open to victims of racial discrimination in Ontario continues to grow, often through the efforts of the Ontario Human Rights Commission (OHRC). The Ontario Human Rights Code prohibits racial harassment in the workplace and in housing. Two boards of inquiry which found that racial harassment occurred in the workplace, ordered that a joint management-worker race relations committee be established to deal with the problem of racial harassment. 185

### ARTICLE 7

#### Activities of the OHRC Race Relations Division

In 1983, the Race Relations Division established a Consultative Committee on Education. The role of the Committee is to advise the Division about race relations issues and problems in educational institutions, and to develop the strategies and solutions needed to address them. The consultative committee has recommended that two concerns be examined: first, the negative impact of streaming and assessment on minority students; and secondly, the fact that few boards of education in the province have race relations policies to assist them in serving an increasingly multiracial school community. This project is well under way, and it is expected that the resource material being developed will be distributed to school boards throughout the province during the fiscal year 1985-86. 186

The Race Relations Division notes with satisfaction that important changes have been made in school textbooks, school curricula, and the school environment generally in an attempt to promote better race relations in the school system. This has been achieved through co-operative initiatives of the Ministry of Education and the various boards of education, assisted by the OHRC. The key element of change in education, as in other major institutions 187

of society, has been to increase awareness among educators and school administrators of the particular needs of a multiracial and multiethnic student body.

- 188 The Race Relations Division has also assisted the Ontario Federation of Labour (OFL) in its continuing campaign against racism through educational programs. The division assisted in the design, planning and implementation of six regional workshops held by the OFL to raise awareness of and develop skills in race relations for union members. Following these regional workshops, a conference was held in Toronto to review and consolidate the initiatives the OFL has taken in its antiracism campaign, and to plan future initiatives. The Division, in co-operation with OFL staff, has also developed a case studies manual on race relations in the workplace.

#### The Ministry of Citizenship and Culture

- 189 The Ministry of Citizenship and Culture has provided a series of language, orientation, and information programs about and for immigrants designed to improve understanding of new Canadians about the community. A new citizenship education program, "Participate", has been developed to help teachers prepare immigrants for Canadian citizenship. Over 500 teachers have been trained under this program since its inception. The Ministry also works with teachers to develop a special program, English-in-the-Workplace. In 1984, the program was introduced to over 280 managers in industry, labour, government and educational institutions. This year, \$500,000 is being provided in special grants to develop models and materials for program delivery. The Ministry further supports community English-as-a-Second-Language programs, many of which have a preschool component. Since 1983-84, the Ministry has increased funding for language training and newcomer orientation by over 25%. Lastly, the Ministry has produced materials providing information on multiculturalism, an example of which is You're Ten Minutes Late. Yes. (1983), a training video that defines culturally determined components of language and looks at the effects of culture on communications in the workplace.

- 190 The Ministry of Citizenship and Culture also maintains statistical information about the ethnocultural composition of Ontario's population, including patterns of residential settlement and socio-demographic characteristics, and about immigration and immigrant characteristics. This statistical data supports both program and public policy development with the Ontario government. The Ethnocultural Data Office responds directly to requests for specific ethnocultural data and makes available compiled information in the form of publications.

#### The Ministry of Education and the Ministry of Colleges and Universities

- 191 The programs and policies of these Ministries, outlined in Canada's seventh report, continue in effect.

## REPORT OF THE GOVERNMENT OF QUÉBEC

On May 10, 1978, the Government of Québec adopted an order in council in which it undertook to comply with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. 192

This is Québec's report, covering the period from October 1983 to October 1985. It sets out new legislative, judicial, administrative or other measures adopted during this period to implement the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. 193

### PART I: GENERAL

As noted in the sixth and seventh reports, the Québec government's action plan regarding cultural communities, entitled Autant de façons d'être Québécois, was published in 1981. The Minister of Cultural Communities and Immigration was made responsible for implementing this plan. Accordingly, in 1981, he set up a special committee for this purpose. 194

Starting in 1984, at the end of this committee's three-year mandate, responsibility for the action plan was shifted to Québec government departments. To ensure co-ordination of government policies concerning cultural communities, an interdepartmental committee on cultural communities and immigration was created. 195

In addition, the Conseil des Communautés culturelles et de l'Immigration was established by an Act assented to on December 21, 1984. The council is composed of fifteen members, appointed by the government, of whom six are appointed after consulting the intercultural organizations, societies and groups, and the organizations, societies and groups of the cultural communities. Six other members are appointed after consulting the business, labour and educational communities and the organizations, societies and groups engaged in the reception and adjustment of immigrants. 196

The function of the council is to advise the Minister of Cultural Communities and Immigration on any matter related to cultural communities and immigration. A copy of the Act respecting the Conseil des Communautés culturelles et de l'Immigration (S.Q. 1984, c. 44) is attached. 197

In demographic terms, 16,374 immigrants (18.4% of all immigration into Canada) were admitted to Québec in 1983. In 1984, 14,641 persons immigrated to Québec, representing 16.6% of all immigration into Canada. These persons came mainly from Haiti, Vietnam, France, El Salvador, the United States and Poland. 198

PART II: INFORMATION IN RELATION TO ARTICLES 2 TO 7 OF THE CONVENTION

ARTICLE 2

**A.5 Information on the legislative, judicial, administrative or other measures which give effect to the undertaking to encourage integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division**

- 199 The Department of Cultural Communities and Immigration administers three programs of financial assistance to organizations providing reception and adjustment services to immigrants.
- 200 The reception and adjustment support program is aimed at reception, housing, escort, interpretation and social service activities in immigrant or community settings. During fiscal 1983-84, \$793,000 was allocated to this program and shared among 45 organizations working in Québec.
- 201 The social and health services assistance program is directed toward non-governmental organizations wishing to facilitate access by members of cultural communities to the social and health services provided by the Québec health services and social services system. This program had a budget of \$120,000 in 1983-84 and was able to sponsor eight projects. Each grant by the Department of Cultural Communities and Immigration covers the cost of the services of a reception officer from a cultural community in an establishment of the health services and social services system. At present, nine officers from eight cultural communities are working in eight establishments.
- 202 The adjustment activities program had a budget of \$211,000 in 1983-84. Sixty organizations were able to provide activities helping immigrants to adjust by giving them better knowledge of their rights. Several projects were aimed at assisting women and workers from cultural communities.
- 203 In 1984, the greater Montréal health and social services board formed a working group, backed by the Department of Cultural Communities and Immigration; its mandate is to find concrete ways of ensuring that members of cultural communities have access to social services, hospitals and reception centres. A committee of fourteen experts from cultural communities jointed this working group to provide information on their respective communities' needs.

**B. Information on the special and concrete measures adopted to ensure the development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms**

- 204 Québec's last report dealt with the implications of amendments to the Québec Charter of Human Rights and Freedoms, assented to in December 1982 in the Act to amend the Charter of Human Rights and Freedoms (S.Q. 1982, c. 61); a copy of this Act was forwarded with the seventh report to the Secretary-General of the United Nations.
- 205 After this Act was passed in 1982, a part concerning affirmative action programs was included in the Charter.

This part came into force on June 26, 1985. From that date, any measure aimed at remedying the situation of persons belonging to groups discriminated against in employment, or in the sector of education or of health services and other services generally available to the public shall be deemed non-discriminatory if it is established in conformity with the Charter of Human Rights and Freedoms. 206

Concerning the rights of Native persons in Québec, on March 19, 1985, the Premier introduced in the Québec National Assembly a "motion for the recognition of aboriginal rights in Québec". In so doing, he stated that by adopting this motion, the National Assembly would be issuing an urgent request to the government, its departments and agencies and all of Québec society to learn more about the rights of Québec's aboriginal peoples, to take these rights into account at all times, and to respect these rights. The motion was passed by the National Assembly on March 20, 1985; it is reproduced in an annex to this report. 207

### ARTICLE 3

On August 20, 1985, the Québec Cabinet made a decision concerning apartheid in South Africa. The essence of this decision was firstly to reaffirm Québec's condemnation of the policy of apartheid practised by the government of South Africa and to introduce a motion to this effect at the next sitting of the National Assembly, and secondly, to give ministers responsible for Crown corporations the task of ensuring that these corporations and the businesses they regulate do not buy South African products. 208

Since the National Assembly has not reconvened since that date, the motion condemning the policy of apartheid practised by the government of South Africa has not yet been introduced. 209

Also, on the occasion of the Federal-Provincial-Territorial Ministerial Conference on Human Rights, held in Ottawa on September 12 and 13, 1985, the Québec Minister of Justice and Attorney-General stated that the Government of Québec deplored and disapproved of the policy of apartheid in South Africa, and expressed the wish that participants at the Conference would agree on a resolution condemning in unequivocal terms the flagrant violation of human rights that the apartheid system represents. 210

### ARTICLE 6

#### C. Information on the practice and decisions of the courts and other judicial and administrative organs relating to cases of racial discrimination as defined under Article 1 of the Convention

As noted in the sixth and seventh reports by the Government of Québec on the International Convention on the Elimination of All Forms of Racial Discrimination, in 1982 the Québec Commission des droits de la personne (human rights commission) undertook its first public inquiry into racial tensions in the taxi industry. The final report of the inquiry was published in November 1984 and deals with the entire taxi industry. 211

- 212 Some recommendations in the report deal with taxi associations that refuse to hire black taxi drivers and with associations that treat these drivers unfairly. In December 1984, two associations were found guilty of discrimination based on colour. In the first case, the taxi association had refused three black drivers admission to an information meeting concerning conditions of membership in the association. In the second case, the taxi association had been guilty of discrimination based on colour by breaking the rule that taxi service is to be provided by the first taxi at a stand. In that case, the judge stated that an employer cannot justify a discriminatory act based on colour on monetary or economic grounds, and that the new directive issued by the employer allowed and facilitated discrimination instead of preventing it. Civil suits are pending against two taxi associations to obtain damages for black drivers who were the victims of discrimination.
- 213 The Commission des droits de la personne also made recommendations to the Department of Transport concerning a draft regulation on transportation by taxi. The department took these recommendations into consideration and the regulation has been in effect since October 10, 1985. The Transportation by Taxi Regulation now requires service associations and taxi drivers to respect the Québec Charter of Human Rights and Freedoms and is aimed at eliminating discriminatory practices in the taxi industry. We draw attention in particular to sections 26, 39, 62, 64 and 65 of this regulation.
- 214 Section 26 is directed toward public and semipublic institutions, but also invokes the responsibility of service associations and their drivers. Public institutions (such as local community services centres (CLSCs), schools or government departments) may thus only conclude agreements with service associations that agree to respect the Charter of Human Rights and Freedoms.
- 215 Section 39 specifies that a taxi driver shall act without discrimination in his relations with a customer or another taxi driver. In particular, he shall act without discrimination in any matter concerning admission of persons as drivers or members in a service association of which he is a member, including where he is asked to nominate or second a candidate as driver or member of such association. The same obligations apply to the holder of a taxi permit who does not drive his taxi. Other sections will directly affect racial discrimination practices noted at stands, and deal with the applicable rules of discipline.
- 216 Sections 64 and 65 make drivers responsible for applying the resulting rules of discipline. Under section 64, a taxi driver not occupying the first position at a taxi stand shall refuse his services to a customer and shall indicate to him that he may take the first taxi at the stand. In addition, to ensure scrupulous respect of the right to equality, section 65 requires a taxi driver at a taxi stand to refuse to make a trip assigned to him by his service association where there is a taxi from the same association ahead of him at the stand.
- 217 In a parallel development, a round table discussion among taxi industry representatives was organized by the Commission des droits de la personne. Representatives met in June 1985 to develop measures to correct and prevent discriminatory practices still occurring in this industry in Montréal.

The Commission des droits de la personne also took action aimed at awareness in public and semipublic organizations dealing with taxi service associations. The Société de développement des coopératives, an agency under the Department of Industry and Commerce, inserted a contractual provision in its form-letter used for offers of financial assistance which states that financial assistance may be cancelled or withdrawn, depending on the circumstances, if the co-operative or one of its officials, in carrying out their duties, is found guilty by a court of justice, tribunal, board, commission or government agency of discrimination based on race, colour, sex, sexual orientation, civil status, religion, political convictions, language, ethnic or national origin, social condition or handicap. An identical provision is included in the application form for financial assistance. 218

The Montréal Urban Community Transit Commission agreed to include this type of clause in contracts with service associations for the transportation of disabled persons. 219

The greater Montréal health and social services board, in its Bulletin dated March 28, 1985, asked all establishments in the system to take the necessary action to avoid encouraging taxi companies that contravene the provisions of the Charter of Human Rights and Freedoms by practising racial discrimination and, where service contracts are involved, to ensure that a clause to this effect is included. 220

In addition, the Commission des droits de la personne co-operated with ethnic groups on certain matters. In the autumn of 1984, in co-operation with the Maison de Haïti community centre, the Commission produced a research report on the housing situation of Haïtians in Montréal North; its aim was to make the various persons active in the area aware of the situation and needs of this visible minority. In addition, in December 1984, the Commission and the Centre for Research-Action on Race Relations produced a four-hundred page report on relations between the Montréal Urban Community police force and visible minorities in Montréal. The purpose of this report is to make the public, the Montréal Urban Community police force and governments aware of the situation. 221

Another specific measure by the Commission made possible a report on the situation of black nurses in Montréal hospitals. The purpose of this report, submitted to the Negro Community Centre in Montréal for the Association des infirmières noires (black nurses' association), was to define the problem of systemic discrimination in Montréal hospitals. 222

## ARTICLE 7

### Legislative, judicial, administrative or other measures adopted to:

- (i) combat prejudice leading to racial discrimination;
- (ii) promote understanding, tolerance and friendship among nations and racial and ethnic groups

#### A. Education and teaching

In January 1984, the Québec Minister of Education set up a working committee on Québec schools and cultural communities; its report was submitted in 223

February 1985. The Minister of Education announced that most of the committee's recommendations would be implemented, as follows:

- a policy statement on intercultural education, and preparation of a development plan;
- efforts to combat racial and ethnic discrimination in the schools;
- awareness and developmental training of personnel working in multicultural schools, and the establishment of a centre for teaching resources in intercultural education.

- 224 The co-ordination of activities in the Amerindian and Inuit communities branch (Direction de la coordination des activités en milieux amérindien et inuit) of the Québec Department of Education published an annotated bibliography for the study of the Amerindians and Inuit to serve as a guide for secondary school history and geography teachers. The multitude of existing works on Amerindians and Inuit, and the difficulty experienced by Québec teachers in making an enlightened selection from the documentation, most of which provides a stereotyped image of these groups, made this type of guide necessary.
- 225 In 1985, International Youth Year, the Department of Cultural Communities and Immigration supported a project by a team of young people in Québec secondary schools and CEGEP's aimed at making principals, teachers and students aware of the rich benefits of cultural differences, the problems faced by young people from cultural communities and the need for solidarity among young people from all origins.
- 226 For reference, a document dealing with the main accomplishments of the Government and the Québec Commission des droits de la personne in the teaching of human rights accompanies this report.

## **B. Culture**

- 227 In 1984, the Minister of Cultural Communities and Immigration created a cultural communities award. This \$15,000 award is presented every year to a person who, through work or community involvement, has made a significant contribution to preventing discrimination, enriching a cultural community or making it better known, or bringing together one or more cultural communities and Québec's French-speaking community.
- 228 In 1984, the award was presented by the Premier of Québec to three social workers from the Centre social d'aide aux immigrants. This year, the award was presented to the director-general of the Communauté chrétienne des Haïtiens de Montréal.
- 229 In 1983, the Minister of Cultural Communities and Immigration introduced a contest, entitled "Tout l'art du monde" (a world of art), in order to acquire works of art selected by a jury. This collection was established to encourage artists from various cultural communities and to provide wider distribution for their work. After two years, the collection comprises nearly one hundred works. To accompany a travelling exhibition, the department published a catalogue and a poster/folder presenting the artists and their work.

In addition, the Department of Cultural Communities and Immigration has published a calendar of cultural community holidays for the past three years. Five thousand copies of this calendar are produced and distributed to Québec schools. For 1986, the calendar places particular emphasis on the International Year of Peace. 230

This department also administers six financial assistance programs aimed at cultural community organizations, to ensure that cultures of origin are maintained, developed and promoted in Québec society. These programs are: the ethnic language instruction assistance program; the cultural community activities assistance program; the innovation assistance program; the cultural community organization operation assistance program; the community centre assistance program; and the public facilities and services accessibility program. A description of these programs is provided in the Department of Cultural Communities and Immigration's 1983-84 annual report, starting on page 38; a copy of this document accompanies this report. 231

### C. Information

In order to improve the flow of information between cultural communities and the Government of Québec, the Department of Communications published information about government services in the ethnic media, and translated publicity folders into various languages. This department administers a Native communications development assistance program aimed at companies and associations working to develop communications media in Native communities. Applicants must be non-profit organizations administered by Native persons that are representative of their community. In 1983-84, \$250,000 was contributed to such organizations. 232

The Department of Cultural Communities and Immigration administers a cultural community media assistance program aimed at providing financial assistance for organizations wishing to establish or develop media in cultural communities. In 1983-84, \$97,500 was granted to 24 organizations. 233

Various documents were also produced by the Department of Cultural Communities and Immigration to inform the Québec public; they include: 234

- a selective bibliography on cultural communities;
- an annotated bibliography on immigrant women in Québec, by Marie Poirier;
- a list of audio-visual documents on immigration and cultural communities;
- a document on health, social services and social security in Québec;
- Portrait series on: Germans in Québec;  
Italians in Québec;  
Portuguese in Québec;  
Vietnamese in Québec;
- a guide for those in the public and semipublic systems on non-citizens and public services in Québec.

# ASSEMBLÉE NATIONALE

## R é s o l u t i o n

*Mr. Lévesque (Prime Minister)*

*Motion for the recognition of aboriginal rights in Québec :*

*That this Assembly :*

*Recognizes the existence of the Abenaki, Algonquin, Attikamek, Cree, Huron, Micmac, Mohawk, Montagnais, Naskapi and Inuit nations in Québec ;*

*Recognizes existing aboriginal rights and those set forth in The James Bay and Northern Québec Agreement and The North-eastern Québec Agreement ;*

*Considers these agreements and all future agreements and accords of the same nature to have the same value as treaties ;*

*Subscribes to the process whereby the Government has committed itself with the aboriginal peoples to better identifying and defining their rights — a process which rests upon historical legitimacy and the importance for Québec society to establish harmonious relations with the native peoples, based on mutual trust and a respect for rights ;*

*Urges the Government to pursue negotiations with the aboriginal nations based on, but not limited to, the fifteen principles it approved on 9 February 1983, subsequent to proposals submitted to it on 30 November 1982, and to conclude with willing nations, or any of their constituent communities, agreements guaranteeing them the exercise of :*

- (a) the right to self-government within Québec ;*
- (b) the right to their own language, culture and traditions ;*
- (c) the right to own and control land ;*
- (d) the right to hunt, fish, trap, harvest and participate in wildlife management ;*
- (e) the right to participate in, and benefit from, the economic development of Québec,*

*so as to enable them to develop as distinct nations having their own identity and exercising their rights within Québec ;*

*Declares that the rights of aboriginal peoples apply equally to men and women ;*

*Affirms its will to protect, in its fundamental laws, the rights included in the agreements concluded with the aboriginal nations of Québec; and*

*Agrees that a permanent parliamentary forum be established to enable the aboriginal peoples to express their rights, needs and aspirations.*

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*Québec, March 20th 1985*

## ANNEX II

### List of reference documents accompanying this report

- An Act respecting the Conseil des Communautés culturelles et de l'Immigration, S.Q. 1984, c. 44
- Transportation by Taxi Regulation (T-11.1), Order in Council 1763-85, Gazette officielle du Québec, September 25, 1985, page 3867
- The main achievements of the Gouvernement of Québec as an educator in the field of human rights - September 1985
- 1983-84 annual report of the Department of Cultural Communities and Immigration

## SASKATCHEWAN\*

### 1. Introduction

Saskatchewan's submission to Canada's eighth report under the Convention will update to September 1985 the information contained in its previous submission. More detailed information about Saskatchewan's compliance with this Convention can be found in Canada's sixth and seventh reports under the Convention. 235

### 2. Government Policies and Programs Related to Articles 2 to 7

The Government of Saskatchewan has continued to implement programs and policies to deal with the problem of racial discrimination. These can be grouped under three major themes: Multicultural Policy and Programs, Official Minority Language Policies, and Native Policy and Programs. 236

#### 2.(a) Multicultural Policy and Programs

The objective of The Saskatchewan Multicultural Act is to encourage multiculturalism and to enable assistance to be provided to individuals and groups to increase opportunities for Saskatchewan residents to learn about their own ethnic heritage and that of other ethnic groups. The following updates the seventh report regarding the activities of government in the areas of language, education and cultural policy. 237

The Department of Culture and Recreation has continued to administer multicultural programs. Financial and consulting services were provided: (i) to ethno-cultural organizations providing heritage language instruction not available through regular channels (Heritage Languages Program), and (ii) to a provincial non-governmental multicultural organization and its eleven councils for a variety of cross-cultural initiatives. Financial assistance was provided to ethno-cultural organizations for diverse cultural activities. The Department has developed resource materials for heritage languages and multicultural awareness. 238

The Department of Education has put in place programs in the heritage language area, most notably in Ukrainian and German. A reference committee which has toured the province over the past year will soon make recommendations to the Department regarding heritage languages policies. 239

#### 2.(b) Official Language Minority Policy

The Department of Education has continued to develop programs at the elementary and secondary levels for both francophones and non-francophones. The French immersion programs have expanded rapidly throughout the province. The Department has also developed varied curricula and materials to support French language and culture programs. 240

The Government of Saskatchewan guarantees the right of access of all students to an education in French, either in a French language school or an immersion 241

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\* Report prepared by the Government of Saskatchewan.

program, but particularly guarantees the right to francophone students. Boards of education have the financial and administrative responsibility to provide any student with access to the nearest school where he or she can receive an education in French.

2.(c) Indian and Native Policy

2.(c)(i) General Policy Context

242 No changes to report.

2.(c)(ii) Constitutional Reform

243 No changes to report.

2.(c)(iii) Affirmative Action

244 Since the submission of the sixth report, the Saskatchewan Human Rights Commission approved affirmative action programs in which the target groups included people of Native ancestry. Six of these programs were directed to employment and three to education and training.

245 Affirmative action programs directed to persons of Native ancestry are also provided by the Public Service Commission of Saskatchewan. Programming is designed to increase the representation of Native people at all levels of the government work force. Services offered include referral to vacant positions within the public service, a training-on-the-job program, and a management training program. The Branch also conducts workshops and seminars and produces communication material to provide positive images of Native people in work environments. Joint union management committees have been established with both of the government unions to develop formal affirmative action plans for submission to the Saskatchewan Human Rights Commission.

2.(c)(iv) Education

246 The Department of Education has undertaken a variety of initiatives aimed at improved education for Indian and Métis students. Particular attention is directed to teacher training and inservice, special incentive grants for Indian and Métis education development, curriculum development, a survival school for Indian and Métis students, the Community Schools Program, official consultation with the Indian and Métis peoples of Saskatchewan, and the development of policy on Indian and Métis education.

247 The Indian and Métis Education Awareness Inservice Program is directed to raising the awareness of practicing teachers regarding Indian and Métis issues as they relate to education. Misconceptions are examined and dispelled. Through the Indian and Métis Education Development Program, school divisions with high Indian and Métis enrollment are encouraged to develop Indian and Métis specific programming. Funds are provided by the Department of Education and emphasis is placed upon involvement of the Indian and Métis communities within the school division.

248 All of the curriculum development work undertaken by the Department of Education reflects a concern for the needs of Saskatchewan's varied ethnic

groups. Current developments in Social Studies and Health Lifestyles for Grades 7 to 9 take into account the need for all children to learn more about the heritage of all members of the province. The cultures and histories of Saskatchewan Native peoples are particularly highlighted.

The Department of Education is currently investigating ways in which guidance and career education courses can better prepare students to combat problems such as sexism, racism and role stereotyping in the workplace and in the world at large. 249

A Five Year Action Plan for Native Curriculum Development was accepted by the Minister of Education in March 1984. As a result, the Minister established an Indian and Métis Curriculum Advisory Committee which plays a major role in setting direction and providing guidelines for curriculum development in Saskatchewan. An Indian and Métis Curriculum Development Team has been established within the Community Education Branch. The major thrust of this curriculum development is the inclusion and integration of appropriate Indian and Métis content into the core curriculum. Specific projects have also been developed in support of the core curriculum. 250

Four principles which guide those who provide educational programs for Indian and Métis people in Saskatchewan are: (a) Indian and Métis people must be given the opportunity to fully participate in the education system at all levels; (b) the education system must recognize that the differences among learning styles, language and world view must be accounted for in all areas of education; (c) co-operation and consultation among all levels of government is necessary for the co-ordination of efforts to meet the needs of Indian and Métis students; and (d) efforts to improve the success of Indian and Métis students must begin at the school-community level. 251

The Saskatchewan Human Rights Commission held public hearings into whether or not children of Indian ancestry benefit from our education system to the same extent as other students. The Commission issued its report including recommendations in September 1985. 252

## 2.(c)(v) Employment Training and Placement

The Department of Advanced Education and Manpower delivers programming which seeks to foster increased Native participation in education, training and employment through: (a) Native controlled institutions; (b) Native-specific programs and initiatives such as the Non-Status Indian and Métis Program, Native Career Development Program and Special Agriculture and Rural Development Program; and (c) modification of existing institutions and mechanisms, such as community college programs, technical institutes and university programming. The preferred option for future developmental work is through (c) while seeking to enhance and improve on existing activities under (a) and (b). 253

The Department has created a Native Services Branch with program responsibility for the Native Career Development Program and the socio-economic component of the Special Agriculture and Rural Development Program (specifically for rural residents of Native ancestry). The Branch develops the Native budget package, prepares briefing on Native issues and liaises with other departments and agencies on Native-specific matters. There has also been a 254

reorganization of the Native Career Development Program and the Non-Status Indian and Métis Program. The Department is administering a Northern Training Program which develops and funds job-tied training programs for northerners. Also, the Saskatchewan Skills Development Program was established for social assistance recipients in April 1984. In the major urban centres, Native people comprise approximately 50% of the clientele.

- 255 In September 1985, the technical institutes committed themselves to developing action plans, related to Native enrollment and retention, for implementation by September 1986. Currently, Wascana Technical Institute in Regina has undertaken a Native-specific initiative which includes hiring a Native counsellor, liaison with the Native community and area reserves, provision of support services, modification of entrance requirements, staff development, seat designation, development of a targeted promotional and recruitment campaign and establishment of a Native counselling and drop-in centre. The Wascana initiative is viewed as a pilot project, likely to be imitated by the other institutes according to local requirements.

## 2.(c)(vi) Economic Development

- 256 The Department of Agriculture participates with the federally funded Saskatchewan Indian Agricultural Program in employing extension specialists who assist Indian farmers and band councils to develop and improve the viability of Indian farms on Saskatchewan reserves. The Department also provides grants for district agricultural improvement projects conducted by Indian bands. Under the Federal-Provincial Special Agricultural and Rural Development Agreement, programs are undertaken to improve incomes and employment opportunities for Indian and Métis people living in rural areas. The 1984 Canada-Saskatchewan Economic and Regional Development Agreement provides for cost-sharing of Northern Saskatchewan development projects, including agricultural development projects, for people of Native ancestry.
- 257 Since January, 1984, the Department of Agriculture has undertaken responsibility for northern agricultural development activity most of which involves people of Native ancestry. Activities include: (a) provisions for research and specialist staff in support of wild rice production; and (b) general extension services, focusing on production and financial management, for northern residents seeking to develop their agricultural potential. Current programs provide assistance and encouragement for the production of vegetables and livestock. To facilitate their development a vegetable and fruit testing and demonstration centre has been established.
- 258 The Indian Economic Development Program, delivered by the Indian and Native Affairs Secretariat, provides funding to Indian bands, organizations and individuals for economic development projects primarily, but not exclusively, on reserve.
- 259 The Department of Tourism and Small Business, jointly with the federal Department of Regional Industrial Expansion, administers a special program directed to persons of Indian ancestry or businesses whose labour force comprises 50% or more persons of Indian ancestry. The program provides financial assistance for small business activities, related infrastructure, primary producing activities and socio-economic development.

## 2.(c)(vii) Native Housing

The Saskatchewan Housing Corporation (SHC), in conjunction with the federal government, continues to expand the housing available for Native people through the Rural Housing and Public Housing Programs. The province has promoted Native self-management of existing subsidized housing occupied by Natives. In urban areas, SHC integrates other social support services with housing so as to recognize the more complex adjustments necessary by Native families and seniors. In 1985, two pilot programs have been initiated which recognize demands by Natives for housing more suited to their lifestyles. Northerners are now able to build their own log houses, and elder suites which can be placed on the same site or immediately adjacent to the existing home are available. The latter program recognizes the importance and benefits of the extended family. 260

## 2.(c)(viii) Support Services

The Department of Social Services provides funding to a number of Native non-governmental organizations which deliver a full range of support services to people of Native ancestry. These supplement or complement the Department's mandated services such as counselling, information and referral, transportation, assistance in locating housing and teen/parent services. 261

Under an agreement between the Department of Social Services and the Federation of Saskatchewan Indians, priority in the adoption of Status Indian children will be given to families of the same race and, preferably, with members of their home bands. Similarly, the Reach Adoption Program places priority on the placement of Non-Status Indian children with families of the same race. 262

## 2.(c)(ix) Health

In addition to the continuation of programs enumerated in the Seventh Report, the Department of Health has developed a Native Children Liaison Program at a major hospital in Regina. 263

In 1985-86, the government provided over \$1,000,000 to the Native Alcohol Council, a non-governmental organization which operates programs dealing with alcoholism rehabilitation and prevention for Natives and their families. 264

## 2.(c)(x) Human Justice

The Corrections Division of the Department of Justice has seven permanent positions designated as Indian Probation Officers. The duties of these officers centre on the provision of probation services on Indian reserves. In September 1985, the seven Indian Probation Officers were responsible for a total of 500 probationers. 265

Educational and cultural activities designed specifically for Natives are available at each of Saskatchewan's Provincial Correctional Centres. For example, Native Elders attend at each centre on a weekly basis or as required for consultation purposes. For upgrading purposes, the Saskatoon Correctional Centre has purchased educational packages from the Saskatchewan Indian Community College. At Pine Grove (female inmates) the Native Co-ordinating 266

Council provides individual or group counselling on marital, financial and child rearing topics.

- 267 Since 1981, a Native consulting firm, Saskatchewan Indian Nation Company (Sinco), has been providing comprehensive Native Awareness Training to correctional centre staff during each Corrections Worker Training Program.

2.(c)(xi) Culture and Recreation

- 268 Saskatchewan Heritage 85 was established to encourage all Saskatchewan residents to participate in Heritage Year celebrations through organizations, communities or as individuals. The Northwest Centennial celebrations during 1985 were aimed at increasing awareness and understanding of the struggle by the Métis for self-determination, and provided for a better understanding of our history. Matching grants of \$1,000,000 were provided for projects involving research and publication of books, the commemoration of specific events, conferences and other projects significant to the Northwest Centennial.

2.(c)(xii) Grants to Native Groups

- 269 The Indian and Native Affairs Secretariat continues to provide core funding for central aboriginal organizations. Core funding was provided to the following organizations: Association of Métis and Non-Status Indians of Saskatchewan, Saskatchewan Association of Friendship Centres, Saskatchewan Native Women's Association, Saskatchewan Indian Women's Association and Native Communications Corporation.

2.(c)(xiii) Treaty Land Entitlement

- 270 The Indian and Native Affairs Secretariat received Cabinet approval for a new land entitlement policy for outstanding entitlement obligations to treaty Indian bands. The new policy will allow Indian bands more flexibility in choosing their entitlement packages. This flexibility will allow bands to add on elements to be negotiated in addition to acreage. Negotiations on outstanding entitlement claims were under way with a number of Indian bands during the reporting period.

## PART IV: TERRITORIES

### NORTHWEST TERRITORIES

In the Northwest Territories consultations are continuing on the document proposing the adoption of a Human Rights Code tabled in the Legislative Assembly in November 1984. 271

### YUKON

The Government of Yukon introduced a comprehensive Human Rights Act (Bill 58) in the Yukon Legislative Assembly on October 15, 1985, to replace the Fair Practices Act which is now in effect. 272

The new Act would protect the right to equal treatment and expand considerably the grounds on the basis of which discrimination is prohibited in Yukon, while permitting the adoption of special programs in favour of disadvantaged groups. It would bind the Government and every agency of the Government of Yukon and would take precedence over all other Yukon laws. The objects of the Act would make specific reference to the Universal Declaration of Human Rights, the Canadian Charter of Rights and Freedoms and other international and domestic undertakings. 273

The new Act would create a Human Rights Commission which would report directly to the Legislative Assembly. Among other things, the Commission would be responsible for administering the Act, reviewing complaints of discrimination and carrying out educational activities. Boards of adjudication could also be established to hold public hearings on complaints. 274

At second reading, on October 24, 1985, the bill was referred to a select committee of the Assembly. After reviewing the bill and holding public hearings on it, the committee will report back to the Legislative Assembly, by April 30, 1986. 275

The Rt. Hon. Joe Clark, P. C., M. P.  
Secretary of State for External Affairs



Le très hon. Joe Clark, C. P., député  
Secrétaire d'Etat aux Affaires extérieures

Canada

Dear Friend:

I am sure you are aware of the recent unrest in South Africa and the world-wide protest against apartheid. Yet, despite world pressure, the government of South Africa has refused to change its policy of apartheid — the rigidly enforced structure of racial separation that denies basic human rights to blacks and other non-whites in South Africa.

The crisis is getting worse day by day. The challenge that now faces the government of Canada is to take practical steps to help bring a peaceful end to apartheid. Canadians in every part of the country must raise their voices together to protest against a system that is offensive and abhorrent.

Thousands of Canadians have already acted, and we encourage others to join them. The Government of Canada is taking strong measures of its own, including certain economic sanctions, as part of our continuing pressure on the South African government to end apartheid.

But to be as effective as possible, we need your help.

If you, your company or your organization have done something to protest against apartheid, please write to me and tell me about it. Your name will be put on a register — a list of names of Canadian individuals and organizations that have spoken out or acted against apartheid.

I want to know if you or your company are refusing to buy South African goods, if you are withdrawing your investments, if you are contributing to black education in South Africa through a voluntary organization, or if you are taking part in demonstrations against apartheid. Whatever your action — past or present — I want to know how you are protesting against this unjust and inhumane system. Please use the enclosed postage-paid card to tell me what you've been doing.

I urge you to act now. The register will soon be presented to the Secretary-General of the United Nations. Canada will recommend that other nations follow our lead and participate in a world-wide register of those who abhor apartheid.

You are extremely important in this protest. This letter has not been sent to every home, office and organization in Canada. Therefore, we need your help by telling other Canadians about this movement. Please help us to spread the word.

Canadians **can** help influence the policy of apartheid. Our power is limited, but it is real. Through our actions and our example we can help bring peaceful change and justice to South Africa and greater harmony to the region.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'J. Clark'.

APPENDIX II: LIST OF DOCUMENTS SUBMITTED WITH THE REPORT\*

1. Judgement of the Supreme Court of Canada in R v. Big M Drug Mart Ltd.
2. Judgement of the Supreme Court of Canada in Winnipeg School Division No. 1 v. Craton
3. Background documents for the 1985 First Ministers' Conference on the Rights of Aboriginal Peoples
4. Bill C-62 - An Act respecting employment equity, House of Commons of Canada
5. Employment Equity - A working paper, June 1985, Employment and Immigration Canada
6. Statement on South Africa by the Secretary of State for External Affairs, Baie Comeau, July 6, 1985
7. Statement in the House of Commons by the Secretary of State for External Affairs, on South Africa, September 13, 1985
8. Bill C-31 - An Act to amend the Indian Act
9. Equality For All - Report of the Parliamentary Committee on Equality Rights, October 1985
10. Report of the Canadian Human Rights Commission for 1984
11. Submission from Canada on the observance of Human Rights Day in 1984
12. An Analysis of CRTC 1985-139 - A Broadcasting Policy Reflecting Canada's Linguistic and Cultural Diversity, Ottawa, August 1985
13. The Human Rights Act, Manitoba - Office Consolidation
14. Population - Ethnic Origin - Manitoba. Abstract from 1981 Census of Canada Catalogue 92-911 (volume 1 - National Series)
15. Suit No. 286/84 - Court of Appeal of Manitoba: Warren v. Chapman and the Manitoba Human Rights Commission
16. Manitoba Government - Programs and Initiatives Pertaining to Multiculturalism
17. Manitoba Culture, Heritage and Recreation - Guidelines - Ethnocultural Heritage Support Program - Grants and Linguistic Support
18. Leaflet on Manitoba Intercultural Council

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\* See also Annex II to Québec's report







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# INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

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NINTH REPORT OF CANADA

October 1988

Canada



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# INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

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NINTH REPORT OF CANADA

October 1988



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## F O R E W O R D

This report was submitted to the Secretary-General of the United Nations in August 1988. It is published in Canada so that it can be made available to interested groups and individuals. The text of the Convention has been added as Annex 5.

The publication of this report aims at providing Canadians with the opportunity to increase their understanding of the obligations undertaken by Canada through its ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and of the measures adopted by their governments to ensure its implementation.

Reports on this Convention are prepared in close collaboration with the governments of the provinces and territories, providing each jurisdiction with the occasion to examine measures which have been taken to implement the provisions of the Convention. This examination, along with the numerous consultations which accompany it, is an invaluable process in facilitating the implementation of the Convention in Canada.

Copies of the report, in Canada's two official languages, may be obtained from the Communications Branch or the Human Rights Directorate of the Department of the Secretary of State in Ottawa. Copies of previous reports on the same Convention are also available at the Human Rights Directorate of the Department. These reports are distributed free of charge.

Department of the Secretary of State  
Ottawa K1A 0M5  
October 1988



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## INTRODUCTION

1. The present report is the ninth submitted by Canada under the terms of the International Convention on the Elimination of All Forms of Racial Discrimination. The main period covered in the report is October 1, 1985 to August 31, 1987.

2. Canada is a federal state comprising ten provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan) and two territories (Northwest Territories and Yukon). While the ratification of international treaties is the prerogative of the Government of Canada, the implementation of the treaties requires the active participation of the governments which have the jurisdiction over the subject matters covered. In Canada, the responsibility for the subject matters covered by the International Convention on the Elimination of All Forms of Racial Discrimination is shared by the Government of Canada, the provincial governments and, following a delegation of authority by the Parliament of Canada, the territorial governments.

3. Previous reports contained detailed information on measures adopted by all governments. This report contains only updated information, taking into account comments made by members of the Committee on the Elimination of Racial Discrimination during their examination of previous reports, and their requests for additional information. In addition to the general part, which applies to all governments, the report contains information on measures adopted by the Government of Canada, the provincial governments, and the territorial governments.

## PART I: GENERAL

### 1987 Constitutional Accord

4. In 1987, a Constitutional Accord was reached among federal and provincial First Ministers to amend the Constitution Act, 1982 in such a manner as to satisfy concerns of the Province of Québec that prevented it from concurring with the 1981 Constitutional Accord. If passed by the federal and provincial legislatures, the amendments would, among other things, require the Constitution of Canada to be interpreted in a manner consistent with the recognition of Canada's linguistic duality and Québec's place within Canada as a distinct society. By express stipulation, this amendment would not, however, derogate from existing provisions in Canada's constitution concerning multicultural heritage and aboriginal peoples.

### Court Cases on Section 15 of the Charter

5. Section 15 of the Canadian Charter of Rights and Freedoms guarantees to every individual equality before and under the law and the right to equal protection and benefit of the law without discrimination, and in particular without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

6. Although section 15 has not yet been interpreted in a case before the Supreme Court of Canada, lower courts have generally interpreted it in a broad fashion. Section 15 has been held to apply to both the content and administration of legislation (McBeth v. Governor of Dalhousie College and University

(1986), 23 C.R.R. 317 (N.S.C.A.)), to preclude systemic or unintentional discrimination as well as direct discrimination (Blainey v. Ontario Hockey Association et al. (1986), 54 O.R. (2d) 513 (Ont. C.A.)), and to extend in scope beyond those grounds enumerated in section 15 (Smith, Kline and French Laboratories Ltd. v. A.G. Canada (1987), 12 C.P.R. (3d) 385 (Fed. C.A.)).

7. Very few cases under section 15 have been brought on the grounds of racial, colour, national or ethnic discrimination. In R. v. Kent, Sinclair and Gode (1986), 21 C.R.R. 372, the Ontario Court of Appeal held, in the trial of an accused Native person, that the absence of a requirement that Native persons be represented on the jury did not violate section 15 of the Charter.

### **Intergovernmental Co-operation**

8. Federal, provincial, and territorial ministers responsible for human rights, and their officials, maintain ongoing liaison and information exchanges with respect to the implementation of international human rights instruments, including this Convention, as well as the Second Decade to Combat Racism and Racial Discrimination. Also, since 1985, Immigrant and Visible Minority Women have been an agenda item for the federal/provincial/territorial meetings of ministers responsible for the status of women. Specific issues dealt with under this agenda item have included language training, data collection, and accreditation and certification of those trained and educated overseas.

### **Human Rights Day Activities**

9. Each year, Human Rights Day - December 10 - is marked in Canada by numerous activities. The human rights commissions are particularly active in this connection. In addition to sponsoring events themselves, they often enlist the participation of schools, churches, municipal governments, and the business sector. Non-governmental organizations and many community groups are also very active, sponsoring numerous events. The media generally respond favourably and co-operate in these efforts to sensitize the public to human rights issues and to the work of the United Nations in this area. Canada submits reports yearly on the celebration of Human Rights Day. Copies of recent reports will be made available to members of the Committee on the Elimination of Racial Discrimination.

### **Demographic Data**

10. Canada conducts a full census of its population on the first year of each decade and a limited census, based on a 20% sample, every sixth year.

11. The census conducted in 1986 demonstrated again that a wide range of ethnic groups make up the Canadian mosaic (for details see table 1 in annex 1 to this report). In 1986, of a total of over 25 million Canadians, 8.4 million (33.6%) were of British origin, 6.1 million (24.4%) of French origin, 6.2 million (24.8%) of origins neither British nor French and 4.3 million (17.1%) of a multiple origin that included either British or French. Nearly three quarters of a million Canadians reported some Aboriginal origin.

12. Regional differences were reflected in ethnic reporting. Newfoundland had the highest proportion of the population with a common ethnic background: 80% of Newfoundlanders reported a single British response. In Quebec, 78% of respondents gave French as their only ethnic origin. The western provinces, notably

Manitoba and Saskatchewan, showed greater ethnic diversity. British single responses represented the single largest group, comprising just over 21% and 22% of all ethnic origins in these provinces. The next largest group, German single response, was 9% and 13% respectively. The Northwest Territories was the only area of the country where neither British nor French was the largest group. Aboriginal peoples were in the majority and 52% of the population of the Northwest Territories reported a single aboriginal response.

13. Of all Canadians who reported having neither British nor French origins, 63% were of European background, 10% Asian, 6% South- or West-Asian (Middle Eastern), 6% Aboriginal, 3% Black, 2% Other, and 10% gave a multiple response that did not include British or French.

14. There were also regional differences in the distribution of various groups. Asians were more likely to live in Ontario and British Columbia than in the Maritime provinces or Newfoundland. Eighty-five per cent of Blacks lived in Ontario and Quebec and those of European ethnic background were predominant in all provinces.

15. For more details on the ethnic origin of Canada's population based on the 1986 Census, the publication "Addendum to The Daily" of December 3, 1987, issued by Statistics Canada, can be consulted. Table 1, abstracted from that publication, is reproduced herein as Annex 1.

## PART II: MEASURES ADOPTED BY THE GOVERNMENT OF CANADA

### General Legal Framework and Policy of Eliminating Racial Discrimination

16. The legal framework within which racial discrimination is prohibited in areas of federal jurisdiction has been explained in previous reports and has remained unchanged.

17. The Government of Canada has reiterated its commitment to the principle of equality and the elimination of racial discrimination on occasions such as Human Rights Day (December 10) and the International Day for the Elimination of Racial Discrimination (March 21). On March 21, 1986, the Prime Minister of Canada officially proclaimed the Second Decade to Combat Racism and Racial Discrimination on the occasion of a ceremony marking the International Day (Annex 2).

18. In May 1987, the Interdepartmental Committee on Human Rights set up a sub-committee to work on the development of a plan of action for the Second Decade to Combat Racism and Racial Discrimination.

19. The Parliamentary Standing Committee on Multiculturalism mentioned in the 8th report monitors the implementation of the Government's multiculturalism policy. Since 1985, the Committee has heard witnesses representing voluntary organizations, including ethnocultural groups, and has conducted research on a variety of topics. The Committee submitted its first report to the House of Commons in June 1987. The report, Multiculturalism: Building the Canadian Mosaic, carried recommendations on the multiculturalism policy, possible legislative enactments, and the infrastructure needed to spearhead the advancement of the policy throughout all government departments and agencies.

20. In December 1987, the Minister Responsible for Multiculturalism tabled an Act for the preservation and enhancement of multiculturalism in Canada (Bill

C-93) in the House of Commons. When passed, the proposed Canadian Multiculturalism Act will: enshrine in law the recognition of Canada's multicultural reality and set forth the multiculturalism policy of Canada; entrench in legislation a government-wide commitment on the part of all federal institutions to implement the multiculturalism policy; provide a legislative base for multiculturalism programs that will assist cultural preservation, combat racism, and promote the adoption of appropriate policies in our institutions; provide in legislation a special co-ordinating and advocacy role for the Minister in order to implement the Act; and establish a process of Parliamentary accountability.

21. In 1987, Canada celebrated the 40th anniversary of Canadian citizenship and the first Canadian Citizenship Act, which came into force on January 1, 1947. In the 40 years since that Act was passed, almost 3,000,000 certificates of citizenship have been granted.

22. Activities to mark the anniversary were held throughout the year, but more particularly during Citizenship Week, which was launched to encourage Canadians to reflect on what it means to be a citizen of Canada. The activities highlighted in particular the rights and responsibilities of citizens and the fundamental principles of equality, diversity, and community. The week of April 17 was chosen for the yearly celebration of Citizenship Week because it marks the anniversary of the day - April 17, 1982 - when the Canadian Charter of Rights and Freedoms came into force. In 1987, the Prime Minister of Canada issued a declaration on the occasion of Citizenship Week (see Annex 3).

### **Aboriginal Matters**

23. In addition to steps taken by the Government of Canada to eliminate racial discrimination, measures have been adopted to protect and advance the special position of the Aboriginal peoples in Canadian society.

24. In particular, the Government of Canada notes its efforts to address within the Canadian constitution issues of importance to the Aboriginal peoples, as discussed in Canada's seventh and eighth reports. The five-year Aboriginal constitutional process required by the constitution culminated with the First Ministers' Conference held on March 26 and 27, 1987 which focused on the issue of self-government for Aboriginal peoples. The federal government's proposal was a constitutional recognition of the right of Canada's Aboriginal peoples to self-government, with the powers and jurisdictions of such governments to be defined through negotiated agreements. The consensus required to amend the constitution could not be reached, but the Government of Canada remains committed to achieving a constitutional amendment on Aboriginal self-government. In addition, the Government of Canada continues to assist Aboriginal communities to achieve greater control over their affairs within existing constitutional arrangements.

25. In December 1986, following consultation with Aboriginal groups and other interested parties, the comprehensive land claims policy, which was described in Canada's seventh report, was revised to allow new approaches to the cession of title, self-government, wildlife and environmental management, the inclusion of offshore areas in negotiations, resource revenue-sharing and negotiating procedures.

26. As noted in Canada's eighth report, the Indian Act was amended in 1985 to remove sexual discrimination and to reinstate persons who had lost Indian status

under the Act. By December 1987, the Department of Indian Affairs and Northern Development had received 45,000 applications representing 90,000 persons, and about one-third have so far been registered as status Indians. Also, nearly half of Canada's 592 Indian Bands have taken advantage of the revised Act and submitted their own membership codes.

## Article 2

27. Following the inclusion of members of visible minority groups in the Government's Employment Equity Program in 1985 (8th report, paragraph 24), several measures have been introduced to facilitate their access to employment in the Public Service. The Office of Services for Visible Minority Groups is responsible for co-ordinating, monitoring and evaluating programs and services directed to members of these groups provided by the Public Service Commission. The Visible Minority Employment Program provides incentives to federal departments to recruit members of visible minority groups. A network of regional co-ordinators delivers the program across Canada.

28. A Visible Minority Employment Program Exclusion Approval Order was introduced to facilitate the appointment of members of visible minority groups to certain positions in the Public Service by excluding such persons and specific positions from the operation of certain provisions of the Public Service Employment Act.

29. Mention was made in the 8th report (paragraph 33) of the voluntary identifier added to the application for employment form in 1984 to allow members of some under-represented groups, including Black persons and members of the Aboriginal peoples of Canada, to self-identify. The form has since been revised to allow all members of visible minority groups to identify themselves when applying for employment and thus benefit from the Employment Equity Program.

30. The National Indigenous Development Program and the Northern Careers Program, mentioned in the 7th report (paragraph 52), were broadened to provide training and development assignments at the officer entry level. A summer employment program, created within the National Indigenous Development Program, was operational in 1987 and provided summer employment to indigenous students.

31. The Employment Equity Act, mentioned in the 8th report (paragraphs 28-30), received Royal Assent on June 27, 1986 and was proclaimed into force on August 13, 1986. Regulations have been issued as well as guidelines for employers.

32. The Act requires federally regulated employers and Crown corporations to implement employment equity and, beginning on June 1, 1988, to file an annual statistical report on their results. These reports will be made available to the public and to the Canadian Human Rights Commission. They will be analysed and a report will be tabled in Parliament.

33. Crown corporations have submitted their three-year action plans for the period beginning with the fiscal year 1987-1988. The Treasury Board analysed the reports to ensure that targets set and planned activities are in line with government objectives.

34. The Federal Contractors Program, mentioned in the eighth report (paragraph 31), continues to apply.

### Article 3

35. The Government of Canada has reiterated its strong condemnation of apartheid on numerous occasions during the period under review, at home, in South Africa itself and in multilateral fora such as the United Nations, La Francophonie and the Commonwealth. Moreover, during this period the Canadian Government has adopted more than two dozen measures to put pressure on the South African Government to dismantle apartheid and enter into negotiations with black leaders towards the establishment of a non-racial representative government.

36. Over the past two years, Canada has introduced a voluntary ban on the sale of South African gold coins, abrogated its Double Taxation Agreement with South Africa, extended its ban on new bank loans to the private as well as the public sector, banned the import of South African agricultural products, uranium, coal, iron and steel, and terminated Canadian Government procurement of South African goods and services. Canada has also applied a voluntary ban on the sale of petroleum and refined products to South Africa. The Government has terminated all its programs designed to help firms exporting to South Africa or Namibia.

37. Sanctions have also limited both individual and official contacts. Direct air links with South Africa have been banned. A voluntary ban on the promotion of tourism is in effect. Visas to visit Canada are no longer issued in South Africa; these must be applied for and obtained at other Canadian missions abroad. Official contacts are monitored and restricted and Canada has withdrawn accreditation of five South African attachés based in Washington.

38. Canada has also greatly increased its assistance to the victims and opponents of apartheid, which is focussed on education, community development and legal and humanitarian assistance. An \$8.2 million education fund is helping to develop human resources essential to a post-apartheid South Africa and this year \$2.7 million has been disbursed on small-scale projects to improve the quality of life in poor communities. Funds for legal and humanitarian assistance to political detainees and their families, which are channelled through Canadian NGOs, will be increased by \$500,000 next year to \$2.5 million. Also, in recognition of the increasingly important role of the South African trade union movement as a vehicle for both economic and political change, Canada will provide next year an additional \$500,000 for labour education assistance. All of these programmes demonstrate in a concrete way Canadian abhorrence of apartheid and concern for its victims.

39. The Commonwealth Heads of Government at their October 1987 meeting in Vancouver decided on a broad programme of action to combat apartheid through sanctions, aid to the region, promotion of dialogue and efforts to counteract South African propaganda and censorship. Canada is chairing a Committee of eight Commonwealth Foreign Ministers, who will meet periodically before the next Commonwealth meeting to provide impetus and guidance to Commonwealth efforts on Southern Africa. The Committee met first in Lusaka, Zambia, in February 1988 and will meet again in Canada in July 1988.

### Article 4

#### Prosecution of Racist Propaganda Activities

40. Mention was made in previous reports of several prosecutions relating to racist activities.

41. In the case of John Ross Taylor (8th report, paragraph 39), who had been convicted of contempt of court for refusing to obey a court order not to transmit recorded hate messages by telephone, the Federal Court of Appeal has rejected Mr. Taylor's appeal of his conviction. Mr. Taylor has obtained leave to appeal to the Supreme Court of Canada.

42. In the case of Ernst Zundel (8th report, paragraph 40), in January 1987 the Ontario Court of Appeal ordered a new trial, on the ground that the trial judge had made certain procedural errors. The Attorney-General of Ontario has initiated proceedings for a new trial. (See also paragraph 138).

43. In the case of James Keegstra (8th report, paragraph 41), convicted of willfully promoting hatred against an identifiable group, the appeal was heard by the Alberta Court of Appeal in April 1987.

44. The publisher, Donald Andrews, and the editor, Robert Smith, of the Nationalist Report, who had been convicted of willfully promoting racial hatred (8th report, paragraph 181), were sentenced to one year and seven months in jail respectively. They have appealed their convictions and sentences.

#### Measures Relating to War Criminals

45. The Government of Canada has recently taken steps to ensure that persons currently residing in Canada who have engaged in war crimes or crimes against humanity in other States can be effectively dealt with in Canada, in accordance with international law. These measures could be applied to persons who have engaged in racist activities where those activities constitute either a war crime or crime against humanity under international law.

46. In March 1987, the Report of the Commission of Inquiry on War Criminals, chaired by Mr. Justice Jules Deschênes, was tabled in the House of Commons. In response to this Report, in September 1987, legislation was enacted to the following effect:

- . to amend the Criminal Code to provide Canadian courts with jurisdiction to prosecute war crimes and crimes against humanity that were committed outside Canada if these acts would have constituted an offense under Canadian law;
- . to amend the Citizenship Act so as to deny future Canadian citizenship to those persons who are under investigation for, charged with or convicted of war crimes or crimes against humanity as defined by the Criminal Code;
- . to amend the Immigration Act to provide a basis for ensuring that henceforth would-be immigrants who are reasonably believed to have participated in war crimes or crimes against humanity in other countries are not allowed entry into Canada.

47. In addition, the Department of Justice is investigating and, where appropriate, prosecuting persons who are alleged to have committed war crimes and who are at present residing in Canada. The first prosecution was launched in January 1988 against a former Hungarian police captain, Imre Funta, who is charged with war crimes under the new law.

## Article 5

### Review of the Canadian Human Rights Act

48. In March 1986, in its response to the report of the Parliamentary Subcommittee on Equality Rights (8th report, paragraphs 49-50), the Government announced that a major review of the Canadian Human Rights Act was underway. The recommendations of the Sub-committee and those of the Canadian Human Rights Commission, as well as recent court decisions, are being considered in that review. The Government is committed to adding the concept of reasonable accommodation to the Act, requiring employers, for example, to take reasonable steps to accommodate the special needs of persons in classes protected by the Act.

### Official Languages Policy Renewal

49. On June 25, 1987, the Minister of Justice introduced into Parliament an Official Languages Bill aimed at strengthening the existing version of the legislation and ensuring equal opportunity for both French and English-speaking Canadians. Key elements of the Bill include: recognition of Canada's linguistic duality; provisions governing the right of Canadians to use the official language of their choice in dealing with, and working for, federal institutions; full participation of English-speaking and French-speaking Canadians in these institutions; the duty of federal courts to ensure that judicial proceedings may be conducted in either official language; an obligation on the federal government to use the language chosen by the other party in such proceedings; an enhanced role for the Commissioner of Official Languages, more effective judicial recourse, and the primacy of the Act's substantive rights and obligations over inconsistent federal laws.

## Article 6

### Court Cases

50. In a decision handed down in June 1987, the Supreme Court of Canada, the country's highest court, has given a unanimous stamp of approval to the use of affirmative action programs and numeric remedies to open up the labour market to historically disadvantaged groups. The decision has cleared the way for federal human rights tribunals to order special programs to prevent systemic discrimination and remedy the effects of past discriminatory practices. (Action Travail des Femmes and Canadian Human Rights Commission v. Canadian National Railway Company).

51. In another precedent-setting decision, the Supreme Court has ruled that an employer can be held liable for the discriminatory actions of its employees. (Robichaud and Canadian Human Rights Commission v. Treasury Board).

### Court Challenges

52. The 8th report contained information on the Court Challenges Program (paragraphs 54-55) which provides support to groups and individuals to challenge before the courts laws perceived as contrary to the Constitution of Canada with regard to linguistic rights, and, in areas under federal jurisdiction, with regard to equality rights.

53. Financial assistance is provided for important test cases. The issues should be of substantial importance, have legal merit, and have consequences for a number of people. In dealing with equality issues, priority must be accorded to the funding of cases having national importance to disadvantaged groups as identified in subsection 15(2) of the Canadian Charter of Rights and Freedoms, including those that are disadvantaged because of race, national or ethnic origin, or colour.

### **Native Judicial Programs**

54. In addition to the Native Court Worker Program established in 1972 by the Department of Justice to provide counselling, other than legal advice, to Native persons in the criminal justice system (5th report, page 34), the federal government has developed a variety of programs aimed at assisting Native persons involved in the judicial process. For example, within all correctional institutions, Native Spiritual Practice is accorded the same status and protection as that of other organized religions. To that end, Native Elders are granted the same privileges as visiting chaplains. They conduct religious exercises and provide spiritual counselling to inmates.

55. The Correctional Service of Canada is implementing, in several correctional institutions, a variety of programs specifically designed for Aboriginal people. These include alcohol and drug abuse treatment, living skills, Adult Basic Education and crafts programs. These programs are in addition to the established Native Brotherhoods and Sisterhoods which are active in most federal institutions. Additionally, the Correctional Service contracts with a number of private Native organizations for post-release supervision and residential care for inmates in a limited number of locations.

### **Article 7**

56. Previous reports have provided detailed information on the educational, cultural and information activities of various federal departments and agencies in the area of human rights and the elimination of prejudice and discrimination. Accounts were given in particular of the programmes and activities of the Human Rights and Native Citizens directorates and the Multiculturalism Sector of the Department of the Secretary of State, the Human Rights Law Fund of the Department of Justice, the Canadian Human Rights Commission, the Official Language Commissioner and the Canadian Broadcasting Corporation. These activities are continuing.

57. As an example of such activities, in September 1986, a Colloquium on Research on Racial Discrimination, organized by the Canadian Human Rights Commission, was held in Ottawa. The one day meeting brought together a group of researchers, practitioners and representatives of various human rights commissions from across Canada. Formal presentations and group discussion of topics related to racial discrimination resulted in productive exchanges likely to lead to further research. Two documents resulting from the Colloquium are available: Race Relations Research in Canada Today: A "State of the Art" Review and Colloquium on Research on Racial Discrimination.

58. The non-governmental sector has continued to be very active during the period under review. For example, the Canadian Human Rights Foundation has launched a major project to facilitate the insertion of human rights teaching in

elementary schools; the Canadian Rights and Liberties Federation continued to serve a network of some 20 human rights and civil liberties associations involved at the provincial or local level; and the Human Rights Research and Education Centre of University of Ottawa continued its research and education projects, in particular, the setting up of its chair of excellence in human rights. The Government of Canada provides support for these activities.

### PART III: MEASURES ADOPTED BY THE GOVERNMENTS OF THE PROVINCES

#### ALBERTA

##### Part I: General Information

59. The Individual Rights Protection Act, which has supremacy over other provincial acts, prohibits discrimination on the basis of race. In June 1985, it was amended to provide a legislative base for the provision of special programs for disadvantaged groups including racial groups. Policies and resource material have been developed to help publicize and give effect to this legislative change.

##### Part II: Information in Relation to Articles 2 to 7 of the Convention

#### Article 2

##### ALBERTA DEPARTMENT OF CULTURE AND MULTICULTURALISM

60. The following developments in 1987 resulted in the adoption of policies and measures which give effect to the provisions of article 2.

61. The Department of Culture Amendment Act, 1987 reaffirmed the Government's commitment to multiculturalism by changing the name of the Department of Culture to the Department of Culture and Multiculturalism.

62. The Alberta Cultural Heritage Amendment Act, 1987 created the Alberta Multicultural Commission consolidating the resources of the Alberta Cultural Heritage Division, originally established in 1984, and of the Alberta Cultural Heritage Foundation, originally established in 1978. The Commission will be headed (chaired) by a Member of the Legislative Assembly of Alberta, with up to five additional commissioners to be appointed for a specific period of time.

63. The Commission will be responsible for co-ordinating public input and developing policy in the area of multiculturalism, and will be guided by the following objectives:

- (a) to encourage respect for the cultural heritage of Alberta;
- (b) to promote tolerance and understanding of others through appreciation of the ethno-cultures that make up the cultural heritage of Alberta;
- (c) to recognize that the presence of ethno-cultural groups in Alberta provides Albertans with an opportunity to develop relationships with other countries;
- (d) to foster an environment in which volunteer groups and individuals can contribute to the cultural heritage of Alberta;

- (e) to enhance the cultural heritage of Alberta so that present and future Albertans can benefit from its richness and diversity;
- (f) to encourage the sharing of knowledge and traditions of ethno-cultural groups;
- (g) to encourage the preservation, enhancement and development of artistic, historical and language resources by ethno-cultural groups in Alberta.

64. The Department of Culture and Multiculturalism, in co-operation with the Department of the Secretary of State of Canada - Multiculturalism Directorate, has established the Institute of Multicultural Resource Development. The Institute provides resource materials, consultation and training opportunities to individuals, institutions and companies wishing to function effectively in Canada's multicultural society.

## Article 7

### ALBERTA DEPARTMENT OF EDUCATION

65. The Alberta Government continues to encourage educators to promote tolerance, understanding, and respect for diversity in the schools of the province. As a result of the Report of the Committee on Tolerance and Understanding, tolerance and understanding criteria are now included as part of all curriculum development. All recommendations in the above-mentioned report have been acted upon, and a monograph on tolerance and understanding has been developed for educators in Alberta. This monograph provides general guidelines to be followed in order to achieve, as closely as possible, the committee's recommendations.

66. The Native Education Project Team, in consultation with Native communities and individuals, has continued to co-ordinate the development of educational materials and resources suitable for use by both Native and non-Native children. Education Minister, Nancy Betkowski, on March 25, 1987, announced in the legislature the establishment of a Native Education Policy. The policy proposes the development and delivery of programs and services which will:

- provide enhanced and equal opportunities for Native students to acquire the quality of education traditional in Alberta;
- challenge Native students to learn and perform to the best of their ability;
- provide opportunities for Native students to study and experience their own and other Native cultures and lifestyles;
- provide opportunities for Native people to help guide and shape the education of their children; and
- provide opportunities for all students, Native and non-Native, in Alberta's schools to recognize and appreciate the various Native cultures, and their many contributions to the province and society.

## ALBERTA ADVANCED EDUCATION

67. The Department of Advanced Education supports the efforts of Alberta's post-secondary education institutions to improve access by Native people to post-secondary education. Examples includes:

- (a) academic upgrading programs offered by the Alberta Vocational Centre at Grouard, the Community Vocational Centres, and Fairview College. These programs are primarily oriented to Native students;
- (b) Native cultural arts courses offered by the Alberta Vocational Centres at Grouard and Lac La Biche;
- (c) an addictions resource worker certificate program offered by Alberta Vocational Centre at Grouard;
- (d) a Native communications course offered by Grant MacEwan Community College;
- (e) courses in Native studies offered at the University of Alberta, the University of Calgary and the University of Lethbridge;
- (f) Native Affairs Offices at the University of Alberta, the University of Calgary and the University of Lethbridge which provide counselling and support networks for Native students; and
- (g) the Sunrise project at Slave Lake which facilitates the delivery of first and second year university courses to local adults, thus easing their transition to study at a university.

68. As well, there is increasing delivery of educational programs to outlying areas through community educational consortia and the application of new educational technologies, thereby providing Native people with improved educational opportunities in their local communities.

69. Through Alberta's 85 Further Education Councils, general interest adult education courses are made available at the community level. These courses are open to the public, are learner-centered and are offered at reasonable tuition fees. The multicultural nature of the local communities is reflected in the course offerings and the people who participate in them as teachers and students. A few examples of these courses include: Conversational Cree, Conversational French, Tanning a Hide, East Indian Cooking, Ukrainian Cooking, Résumé Writing, Computer Literacy, and Completing your own Income Tax.

70. As a means of promoting understanding and friendship between the people of Alberta and those of other regions of the world, the Department continues to support the following programs and activities:

- (a) University Exchange Program with sister provinces in Asia, which provides for exchanges between faculty and students of Alberta universities and their counterparts from Heilongjiang (China), Hokkaido (Japan) and Kangwon (Korea);
- (b) Asian Medical Exchange Program, which provides for exchanges between faculty and researchers of Alberta faculties of medicine and their counterparts in Heilongjiang, Hokkaido and Kangwon;

- (c) Minister of Advanced Education Scholarships, tenable at the universities, colleges and technical institutes, to enable residents of the sister provinces to study in Alberta, and to engage in cultural exchange with Canadian students;
- (d) Daqing English as a Second-Language Project, through which the Department recruits Alberta teachers for assignments in Daqing, Heilongjiang, thereby enhancing the friendship between Alberta and Heilongjiang;
- (e) Korean Teacher Education Project, which provides for the in-service training in Alberta of Korean teachers of English and for cultural exchange between the Koreans and their Alberta colleagues;
- (f) the donation of English books and of works of Canadian literature to universities in Heilongjiang and Kangwon as a means of increasing their awareness of Alberta and of Canada in general.

71. The Department is responsible for the administration of a number of programs which provide opportunities for Albertans to learn French, to become exposed to the French culture and, in the case of teachers, to improve their ability to teach French and to teach in French. These programs include the Summer Language Bursary Program, the Official Language Monitor Program, the Teacher Bursary Program, and the Fellowship Program.

## **BRITISH COLUMBIA**

### **Part I: General**

72. Since British Columbia's last report in 1985 (Canada's seventh report) there has been very little change in the legislative framework for dealing with issues of racial discrimination. The major policy development has been the designation of a specific arm of government to deal with Native Indian issues.

### **Part II: Response to Articles 2 to 7 of the Convention**

#### **Article 2**

73. Basic protections against discrimination on the basis of race, colour, ancestry or place of origin provided under the Human Rights Act, S.B.C. 1984, c. 22, remain as outlined in the seventh report.

74. The Charter of Rights Amendments Act, S.B.C. 1985, c.68, amended a number of provincial statutes to delete previous reference to "British subject", and to extend rights of Canadian citizens to other persons who are permanent residents of Canada.

75. British Columbia has introduced a number of new initiatives relating to its Native Indian population during 1987. A Cabinet Committee on Native Affairs has been established under the Minister of Intergovernmental Affairs which will consult with major Native leaders on such issues as constitutional matters, self-government initiatives, social service program proposals, economic development strategy and natural resource management. A Native Affairs Secretariat with a new Assistant Deputy Minister will be responsible for co-ordinating

policy development and negotiations with bands and tribal councils across the province on self-government and other Native issues.

76. A major emphasis is to promote greater economic and social autonomy among B.C. Native groups. For example, grants totalling more than \$1 million annually are made from the perpetual \$25 million First Citizen's Fund for economic development and community projects across the province. Another example is a recent pilot child welfare project negotiated with the Carrier-Sekani Tribal Council which will involve hiring of Native family workers to enable Native children to stay within their own cultures and local communities.

77. British Columbia has enacted the Sechelt Indian Government District Enabling Act, S.B.C. 1987, c. 16, which will permit the Sechelt Band to establish a municipal-style government. This legislation dovetails with the federal Sechelt Indian Band Self-Government Act, S.C. 1986, c. 27, which made provision for a band constitution and transferred ownership of band lands from the federal government to the band.

#### Article 4

78. No changes from previously reported measures.

#### Article 5

79. British Columbia's responses for Canada's second reports on the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights have reported on many of these issues.

#### Article 6

80. Under the Human Rights Act a total of 252 complaints were received by the British Columbia Council of Human Rights in the 1985-86 fiscal year, of which 27% were related to race or place of origin. In 1986-87, a total of 194 complaints were received and again, 27% were related to race. Since 1985, there have been five formal hearings by the Council on racial discrimination complaints, of which four complaints were found to be justified and compensation was awarded to complainants ranging from \$200 to \$4,500.

#### Article 7

81. To address racial issues through the school system, the Council of Human Rights has recently hired a consultant to complete the development of a curriculum on race relations and cultural diversity to be given in Social Studies and Law courses at the Grade 11 and 12 level. Another initiative is an annual poster/essay contest on this topic for elementary and secondary students which receives a lot of interest and entries.

82. To educate employers in their responsibilities in combatting racism, the Council makes available brochures on various aspects of the Human Rights Act and has distributed about 50,000 special information kits for employers. Council members and staff also meet regularly with industry and community groups to explain the Act's requirements. A special workshop was organized by the Council to deal with problems of sexual harassment and other forms of discriminatory treatment being experienced by Indo-Canadian farm workers employed by farm labour contractors.

83. The B.C. Women's Secretariat (under the Ministry of Advanced Education and Job Training) provides funding directed towards immigrant women to provide English language training, programs to help with basic integration into Canadian society, job search skills and basic job training, and advocacy and leadership development within the intercultural agencies.

84. Non-governmental organizations continue to be active in providing education about individual racial and cultural groups, in providing advocacy services for their members, and in preserving their cultural heritage. These various groups co-ordinate their activity and share information through the Affiliation of Multicultural Societies and Service Agencies of B.C.. The B.C. Multicultural Education Society, founded in 1983, is a non-profit group which promotes multicultural and anti-racist education. The B.C. Teachers' Federation also has a Committee on Racism.

85. For Native Indian groups, the Indigenous Peoples' Education Association sponsored a World Conference on Indigenous Peoples' Education in Vancouver in June 1987. The Urban Native Education Society has a staff of 59 to deliver educational and cultural programs to its people ranging from basic literacy to college and university level classes.

## MANITOBA

### General Information

86. In June of 1987, the Government of Manitoba passed the new Human Rights Code. It replaced the Human Rights Act and was proclaimed on December 10, 1987. Proclamation was announced at a ceremony sponsored by the Manitoba Human Rights Commission to mark Human Rights Day.

87. The new Code, like the previous legislation, prohibits discrimination on the basis of race, colour, nationality, ethnic or national origin. It also expressly includes ancestry in its list of prohibited grounds. As well, the Code contains a new provision which explicitly protects Manitobans from harassment based on all group factors when participating in activities to which the Code applies (principally employment, housing and public services).

88. During the calendar years 1985 and 1986, the number and percentage of complaints of discrimination made on the basis of race, colour, nationality, ethnic or national origin was as follows:

<u>Ground</u>	<u>Number &amp; Percentage of Total Complaints</u>	
	<u>1985</u>	<u>1986</u>
Race/colour	110 (16%)	60 (17%)
Nationality/ethnic or national origin	105 (15%)	48 (13%)
	215 (31%)	108 (30%)

89. The majority of complaints, generally 60 to 65%, continues to be in the area of employment. In 1986, 76% of complaints alleging discrimination on the basis of race or colour were found to be unsubstantiated and accordingly dismissed. This is somewhat higher than the Human Rights Commission's average

dismissal rate of 60%. This compares with a 3% settlement rate for race/colour complaints which is substantially lower than the 13.5% average settlement rate for 1986 complaints.

90. The Manitoba Human Rights Commission undertook in 1987 to exercise its power under the Act to request a prosecution of a Winnipeg restaurant accused of discrimination against black patrons, a power which it rarely uses. Following prosecution, the Vice-President of Operations and the "bouncer" of the restaurant were convicted and fined a total of \$900 each.

## Article 2

91. An Employment Counselling and Support Unit has recently been established within the provincial government as part of the Government's Affirmative Action Program. The unit will develop an application inventory of available target group individuals. Target groups include Natives and visible minorities. The unit will also provide support to target group individuals looking for employment in the provincial civil service.

## Article 5

92. In 1985, the Immigrant Access Service began functioning. The service has been established to help immigrants gain access to provincial services including those relating to employment, health, education, child and family, corrections, and income security.

93. The service provides immigrant clients with, among other things, service information, needs assessment and referral counselling in their own language.

## Article 7

94. Several new developments have occurred in the field of education. In 1987, Winnipeg School Division #1 began developing human rights curriculum units for grades 7-12. It is the first school division in the province to do so. The Division completed the Grade 7 unit in the spring of 1988. It will be implemented in the fall of 1988. The Division also co-sponsored a workshop in the spring of 1987 for approximately 225 Grade 11 students on the topic of racism.

95. In March 1986, Manitoba Education began developing a multicultural education policy for Manitoba. A policy discussion paper was released for public consultation later that year. A formal policy statement will likely be released in late 1988. The Department sponsored a 1986 conference on multicultural education aimed at educators from across the province. Manitoba Education has developed a series of cross-cultural awareness workshops for educators which was successfully piloted in January 1988. Human rights is one of the topic areas. The Department intends to sponsor three to four of the workshops in other regions of the province in late 1988.

96. Manitoba Education has developed and successfully piloted a workshop on the issue of prejudice, discrimination and racism, to assist teachers to deal with and reduce prejudice, discrimination and racism in the educational system. This program will be offered to school divisions starting in the fall of 1988. Finally, in 1987, the Department piloted human rights teaching materials developed by the Canadian Human Rights Foundation for elementary schools (grades

4-6). As a result of the success of this initiative, Manitoba Education will make this material available, on an optional basis, as curriculum support for social studies teachers throughout the province, beginning in the fall of 1988.

97. The Manitoba Department of Culture, Heritage and Recreation has a number of ongoing grants and programs for community based organizations. The grants are designed to encourage: (1) ethnocultural heritage preservation and promotion, and (2) the teaching of ancestral language programs outside the public school system. The Department implemented a policy in 1985 pertaining to the portrayal of minorities in government advertising and communications designed to prevent negative stereotyping. Finally, the Department has convened a task force to develop a multicultural policy for the Province.

98. The Manitoba Human Rights Commission sponsored a 1987 Journalism Award for the article, news item, feature documentary, etc. which best showed sensitivity to human rights values and which fostered a better public understanding of human rights principles. The Award was given for a documentary produced by the Canadian Broadcasting Corporation entitled "The Peguis Story" dealing with life on the Peguis Reserve in Manitoba.

99. The United Nations Association held a 1987 cartoon contest for students, with awards to students who best depicted a human rights issue in a cartoon. The Association has continued to sponsor its annual workshop for high school students on "Prejudice and Discrimination" in honour of Human Rights Day.

#### NEW BRUNSWICK

100. The Government of New Brunswick reports that it continues to carry out programmes, activities and educational undertakings directed to the elimination of racial discrimination as outlined in the Eighth Report.

#### NEWFOUNDLAND

101. The Government of Newfoundland and Labrador reports that it has nothing further to add to the information contained in the previous reports.

#### NOVA SCOTIA

102. This report covers the period up to December 1987. During the two years from April 1985 to March 1987, 113 complaints of racial discrimination were investigated under the Nova Scotia Human Rights Act. This represents 42% of the total complaints lodged under the Act.

#### Article 2

103. The Human Rights Commission has to date entered into 31 affirmative action programs with employers in the private and public sectors to accelerate equality of opportunity in the field of employment for visible minorities, as well as women and disabled persons.

104. Under this program, the Human Rights Commission maintains a human resources inventory of qualified persons from the above-mentioned groups seeking employment.

105. Donald Marshall Jr., a Micmac Indian who was wrongfully convicted for murder and imprisoned for 11 years was freed in 1982 and has been given interim compensation in the sum of \$270,000. The province has appointed a Royal Commission of Inquiry to investigate the tragic circumstances of his conviction as well as the criminal justice system in Nova Scotia. This inquiry commenced September 9, 1987 and is continuing.

106. The Metropolitan Immigrant Settlement Association helps new immigrants with matters relating to language training and employment as well as with knowledge of governmental services available to them in the areas of health, education, social services and housing.

## Article 7

107. The Joint Human Rights/Education Committee continued functioning during the period under review. This Committee has developed guidelines for evaluating textbooks used in the school system. All textbooks are reviewed by the Department of Education before use in the schools and the reviewers are specifically required to look for racial (and sexual) prejudice.

108. Dalhousie University has a Transitional Year Program (T.Y.P.) designed exclusively for Native Indians and Blacks to facilitate their integration into the university academic stream.

109. The Maritime School of Social Work has organized several conferences, seminars, training sessions and workshops on inter-cultural communication.

110. The Halifax District School Board has established an inner-city school committee which addresses the special needs of the large number of visible minority students within the system.

111. The school conferences program continues to be a very important facet of the public education program of the Human Rights Commission. To date 112 school conferences have been held. In addition human rights officers participate in community conferences, workshops, and seminars designed for employers, and carry out speaking engagements to service clubs, universities, etc.

112. The Public Legal Education Society of Nova Scotia is in the process of developing a handbook for use in the senior high school system (Grades 10-12) dealing with human rights legislation and issues.

113. The Canadian Human Rights Foundation is presently implementing a pilot project on human rights at a school located on one of the Indian Reserves in Cape Breton, Nova Scotia.

## ONTARIO

114. This report sets out policies, programs and activities of the Government of Ontario conducted between October 1985 and October 1987, in accordance with the objectives of the International Convention on the Elimination of All Forms of Racial Discrimination. This information serves to update the material found in Ontario's portion of Canada's Eighth Report.

### Cabinet Committee on Race Relations

115. The Cabinet Committee on Race Relations continues to co-ordinate and direct the Ontario Government's race relations activities and to plan, encourage and facilitate new race relations activities within the Government and in all its agencies, boards and commissions.

116. The Committee developed the Ontario Policy on Race Relations, issued by the Premier on May 28, 1986. The policy represents a major step in that it goes beyond an attack on overt racism to declare that the Government will take an active role in the elimination of all racial discrimination, including policies and practices which unintentionally may have a discriminatory effect.

117. On October 29, 1986, Cabinet agreed that a fund would be established for projects supported by the Cabinet Committee on Race Relations, primarily studies and research projects.

118. The Cabinet Committee has approved a three-phase study to identify the degree and level of racial minority group access to government services. In addition, the Committee approved the appointment of a task force to examine barriers of entry into the professions and trades experienced by racial and ethnic minorities which obtained their qualifications outside Canada. The Task Force will report to the Minister Responsible for Race Relations in the autumn of 1988.

119. The Committee reviews regular progress reports on specific race relations plans and programs developed by ministries in relation to housing, education and youth employment.

### **Article 2**

120. A number of initiatives have been taken in Ontario to discourage racially discriminatory acts and practices and to eliminate barriers between races.

121. On May 28, 1986, the Premier announced that the Government of Ontario endorsed the United Nations Second Decade to Combat Racism and Racial Discrimination which challenges all nations to "intensify and extend their effort to ensure the rapid eradication of racism and racial discrimination."

### Race Relations Directorate

122. The mandate of the newly established Race Relations Directorate was announced in June 1987 by the Minister Responsible for Race Relations.

123. The mandate of the Directorate will include the promotion, monitoring and evaluation of government initiatives and legislation that have race relations implications as well as public education. In order to address the gap in information available on race relations in Ontario, the Directorate will assist in the development of a race relations database and research capacity. In addition to its information, education and promotion functions, the Directorate will work to reduce racial tension in the community by playing a mediation role and by assisting public and private organizations to establish programs to foster harmonious race relations. It will inquire into incidents of, and conditions potentially leading to racial conflict where they exist, and where appropriate, will help set-up mechanisms or co-ordinate strategies to resolve or prevent racial tension.

### Ontario Women's Directorate

124. In May 1987, a status report was co-ordinated on behalf of all government ministries by the Directorate on policies and programs which impact on visible minority women.

125. During the summer of 1987, five regional workshops for visible minority and immigrant women were held. Topics included: employment and pay equity, language and skills training, childcare, family violence and housing.

126. In addition to policies and programs that are explicitly targeted to addressing racial discrimination and the problems of visible minority women, the Ontario Women's Directorate has been instrumental in the passage of Ontario's pay equity legislation. The Pay Equity Act seeks to redress the underevaluation and underpayment of women's work. Considering that the majority of visible minority women work in traditional, female job categories, the Pay Equity Act will provide higher economic returns for this disadvantaged group.

### The Office of the Public Complaints Commissioner

127. The programs and policies of this Office, which provides independent civilian oversight of complaints about police misconduct, as outlined in Canada's Eighth Report, continue in effect. In addition, the Attorney General has introduced a Bill to provide for the extension of the jurisdiction of the Public Complaints Commissioner throughout the province for those municipalities which request the services of the Commissioner.

### Ministry of Housing

128. The Metropolitan Toronto Housing Authority established a Race Relations Policies and Programs Branch, effective September 15, 1986. Its mandate is to improve the quality of life of tenants by developing policies and programs that promote harmony among tenants, staff and service providers. These policies and programs include issues dealing with racism, discrimination, multiculturalism and employment equity.

129. The Metropolitan Toronto Housing Authority established in August 1987 a Race Relations Intern Program where youth from minority backgrounds work with Race Relations officers. In addition, a Ministry-wide staff training program in multiculturalism, race relations and the Human Rights Code was instituted, effective February 1987.

### Human Resources Secretariat

130. Racial minority group members are one of five initial groups to be affected by the government employment equity program launched in June 1987. The employment equity program will include the setting of goals and timetables to ensure that the composition of the Ontario Public Service better reflects the diversity of the Ontario population.

### Ontario Native Affairs Directorate

131. In addition to its commitment to enter into negotiations on Aboriginal self-government, Ontario has adopted a policy framework for the provision of

provincial programs and services to Aboriginal people. This policy framework stresses both non-discrimination in the provision of programs and services to Aboriginal people, and greater self-reliance and self-determination for Aboriginal communities. The tension between special arrangements and non-discriminatory practices has been addressed within the provincial government through the creation of a Native Affairs Directorate with a mandate to develop and co-ordinate policy respecting Aboriginal people. Through the adoption of policy, line ministries are held accountable for ensuring that their programs and services are appropriate to the needs and aspirations of Aboriginal people. This approach has resulted in both the development of specific programs and services for Aboriginal people, and the incorporation of Aboriginal people into programs and services designed for the general public.

132. Moreover, Native peoples are a specific target group in the government's employment equity programs.

#### Ministry of Citizenship

133. The programs and policies of this Ministry, formerly the Ministry of Citizenship and Culture, outlined in Canada's Eighth Report, continue in effect. The new Ministry of Citizenship, established in September 1987, regroups the concerns of multiculturalism, citizenship, race relations, and human rights under one Minister for the first time. This will ensure a strong strategic government direction to the improvement of the situation of the province's racial and ethnic minorities.

#### Ministry of Skills Development

134. The Ministry is responsible for the development and upgrading of work skills, and for ensuring that persons throughout Ontario have full access to training opportunities. Ontario's Training Strategy, announced in September 1986, has a training access policy which pays special attention to such traditionally underrepresented groups as racial minorities.

135. The Ministry collects comprehensive data on racial minority participation and arranges race relations training for youth employment program staff.

### **Article 3**

136. The Government of Ontario continues to take steps to register its condemnation of racial segregation and apartheid. The ban on new purchases of South African wines and liquors by Ontario's Liquor Control Board continues.

137. A unique and important initiative is the South African Trust Investments Act, 1987 which was introduced for first reading by the Attorney General on April 29, 1987. The Bill provides that trustees of trusts, registered charities, and pension funds do not commit a breach of statutory or other legal duty by refusing to acquire a South African investment, or by disposing of a South African investment even if the value of the trust property decreases or fails to increase sufficiently, as a result.

### **Article 4**

138. On January 23, 1987 the Ontario Court of Appeal held that the Criminal Code offence of knowingly publishing false news which causes or is likely to

cause injury or mischief to the public interest is constitutional. This section had been used to prosecute an individual who had printed and distributed pamphlets which claimed that the Holocaust was a lie. The Court ruled that this offence regulates part of the permissibly regulated area of expression and does not, therefore, violate the freedom of expression guaranteed by the Canadian Charter of Rights and Freedoms.

#### Article 5

139. The programs and policies of the Ministry of Citizenship (formerly the Ministry of Citizenship and Culture) in relation to this provision, outlined in Canada's Eighth Report, continue in effect.

140. The Ministry of Municipal Affairs, in conjunction with the Ministry of Citizenship, is preparing a newcomers' guide to local government which will be available in five or six different languages. It is anticipated that this guide will assist citizens of distinct backgrounds to feel more comfortable and participate in the local political system.

#### Article 6

141. The programs and policies outlined in Canada's Eighth Report, continue in effect.

#### Article 7

##### The Ministry of the Solicitor General

142. In October 1986, the Ministry of the Solicitor General published a race relations manual for law enforcement officers. The guide will be used at the Police Colleges as well as during in-service training.

##### The Ministry of Citizenship

143. In addition to the programs and policies outlined in Canada's Eighth Report, the Ministry also assists community colleges and boards of education delivering programs and services to enhance communication in multicultural workplaces. The programs include job-specific language training for workers and inter-cultural and race relations training for their supervisors.

##### The Ministry of Education

144. The Ministry has formed an advisory committee to prepare a Race and Ethno-cultural Equity Policy Model that will assist all school boards to develop their own race relations policies. In addition, a Committee on Visible Minority Youth Employment has already been established.

145. The Ministry has also established a core group of educators to deal with issues/concerns in the area of race relations. The Ministry has embarked on a variety of other initiatives to combat racial prejudices and promote understanding and tolerance within the educational system.

## PRINCE EDWARD ISLAND

146. The Human Rights Act, R.S.P.E.I. 1974, Cap. H-12.2, continues to be the only legislation in this province pertaining to discrimination. Its preamble provides:

WHEREAS recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;

AND WHEREAS it is recognized in Prince Edward Island as a fundamental principle that all persons are equal in dignity and human rights without regard to race, religion, creed, color, sex, marital status, or ethnic or national origin;

AND WHEREAS in 1968 An Act Respecting Human Rights was passed by the legislature of this province in response to the Universal Declaration of Human Rights passed by the General Assembly of the United Nations;

AND WHEREAS the principles contained in An Act Respecting Human Rights require amplification;

AND WHEREAS it is deemed desirable to provide for the people of the province a Human Rights Commission to which complaints relating to discrimination may be made;

THEREFORE BE IT ENACTED ...

147. This Act delineates prohibitions on discrimination and includes in its definition of discrimination references to race, color, and ethnic or national origin.

148. In general, the Act provides that one may not discriminate in providing accommodations, services and facilities to the public, in employing persons, or in selling property or property interests.

149. The provincial Human Rights Commission, which handles complaints of violations of this Act, indicates that it receives very few complaints of race or ethnic-related discrimination. There has been only one such complaint since the last report was submitted from this Province. (Since the Commission was established in 1976, it has received a total of only 10 such complaints, four of which alleged race/color discrimination, and six of which alleged discrimination related to national/ethnic origin.)

150. It is noted that a review of provincial legislation in the last few years to ensure compliance with the Canadian Charter of Rights and Freedoms has not turned up any provisions which would appear to violate the race-related equality provisions of the Charter.

151. On March 15, 1988, the Prince Edward Island Government adopted an official Policy of Multiculturalism, with the purpose of promoting cultural survival and

expression and further cross-cultural understanding, acknowledging the contribution of cultural diversity, and ensuring the equal treatment of all people living in Prince Edward Island.

152. The specific objectives of this Policy are:

- to indicate that this Province embraces the multicultural reality of Canadian society and acknowledges that Prince Edward Island has a distinctive multicultural heritage;
- to acknowledge the intrinsic worth and continuing contribution of all Prince Edward Islanders regardless of race, religion, ethnicity, linguistic origin or length of residency;
- to serve as an affirmation of human rights for all Prince Edward Islanders and as a complement to the equality of rights guaranteed in the P.E.I. Human Rights Act and the Canadian Charter of Rights and Freedoms;
- to enhance section 27 of the Charter, which provides that, "This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians";
- to encourage specific legislative, political and social commitments to multiculturalism in Prince Edward Island.

153. A key feature of the Policy is the establishment of a Ministerial Advisory Committee to review legislation, policies, programs, and activities of government and its agencies and educational institutions, and to generally advise the Minister of Community and Cultural Affairs on matters pertaining to multiculturalism.

## QUÉBEC

### Introduction

154. The Government of Québec undertook to comply with the International Convention on the Elimination of All Forms of Racial Discrimination when it adopted Order in Council 1471-78 on May 10, 1978, in accordance with its internal law.

155. This report contains information on the various measures taken by Québec to implement the Convention between November 1986 and June 1987.

### Part I: General

156. The Government of Québec wished to reaffirm its determination and desire to eliminate all forms of racism and racial discrimination when it adopted a declaration on ethnic and race relations on December 10, 1986.

157. This declaration received wide public distribution and was issued on the anniversary of the adoption by the United Nations of the Universal Declaration of Human Rights in 1948. It also falls appropriately in the Second Decade to Combat Racism and Racial Discrimination, proclaimed by the United Nations General Assembly in November 1983. This declaration has also enabled the

Government of Québec to reiterate its commitment to comply with the provisions of the United Nations Convention on the Elimination of All Forms of Racial Discrimination.

158. Further to the information already provided in paragraphs 196-197 of the Eighth Report (concerning the creation of the Conseil des Communautés culturelles et de l'Immigration), the mandate of the Conseil took effect in 1985-1986 through its study of Québec's immigration policy and the contribution of immigration to Québec's demographic future. It applied itself in particular to providing advice to the Minister of Cultural Communities and Immigration on various issues, such as immigration levels for 1986, the process for having refugee status recognized in Canada and the Regulation respecting the selection of foreign nationals.

159. A total of 14,271 foreign nationals were admitted to Québec during 1985. Two-fifths of all those granted permanent residence in Québec during that year came from Asia. Immigration from Europe remained at the same level, while the number of immigrants from Africa increased slightly. The three main countries of origin were the same as in 1984, namely Vietnam, Haiti and France. One quarter of the immigrants came from these countries.

160. A total of 19,328 immigrants were admitted to Québec in 1986. Of these, 1,641 came from Haiti, 1,280 from Lebanon, 898 from Sri Lanka, 829 from France, 824 from Vietnam, 695 from El Salvador and 636 from Iran.

## **Part II: Information in Relation to Articles 2, 3, 6 and 7 of the Convention**

### **Article 2**

#### **A.3 Examination of Acts and Regulations**

161. In its declaration of December 10, 1986, the Government of Québec condemned without reservation racism and racial discrimination in all forms. It undertook in particular "to see that all its departments and agencies comply with the Québec Charter of Human Rights and Freedoms ... to apply the measures provided by legislation against any manifestations of racism or racial discrimination, and to adopt any other appropriate measures to counter them."

162. The provisions of the Charter respecting the recognition and exercise of human rights and freedoms without distinction based on race, colour, religion or ethnic or national origin have prevailed as of June 27, 1975 over any subsequent legislative provisions and as of January 1, 1986 over any provision prior to June 27, 1975, the date on which the Charter came into force. An analysis of all Québec statutes conducted by the Department of Justice established that no provisions violated these rights.

#### **B. Special Measures Adopted to Ensure the Development and Protection of Certain Groups**

163. On September 1, 1986 the Regulation respecting Affirmative Action Programs came into force. This Regulation was made pursuant to section 86.8(b) of the Charter of Human Rights and Freedoms and applies to any person devising, implementing or carrying out an affirmative action program upon a recommendation by

the Commission or pursuant to a court order. The object of such programs is to remedy the situation of any group subject to discrimination.

164. In another area, the Department of Cultural Communities and Immigration administers certain financial assistance programs to facilitate the reception and settling of immigrants in Québec and their adaptation to Québec life. These programs are divided into two categories.

165. The first category, which has a budget of over \$1.1 million, is aimed at organizations that provide reception and adaptation services for immigrants. In 1985-1986 it included the reception and adaptation support program, the access to social and health services program and the adaptation activities program.

166. The second category, which has a budget of over \$1.7 million, contains programs aimed at cultural community organizations to assist them in maintaining and developing their original cultures and promoting them in Québec society.

167. In 1985-1986, this category included the following programs: assistance for ethnic language teaching, assistance for cultural community activities, special innovative and experimental projects of cultural communities, operating assistance for cultural community organizations, assistance for community centres, access to public facilities and services and assistance for community work.

#### Immigrant Women

168. Immigrant women represented 8 percent of the female population of Québec in 1981. The vast majority of them - approximately 88% - settled in the Montréal area. They have formed some 35 organizations, several of which receive technical and financial support from the Department of Cultural Communities and Immigration. This assistance amounted to \$38,500 in 1985-1986.

169. The needs of immigrant women have been identified as being primarily: learning French, information about the law, social programs, working conditions, access to the job market, basic and occupational training, and access to health services and social and community services, particularly day-care centres.

170. As part of the government's activities in connection with the Decade for Women, immigrant women were given a seat in the first part of the Conference on the Economic Security of Québécois held in May 1985. This allowed immigrant women to work in close co-operation with other groups of Québec women on topics of mutual interest.

171. Finally, the Department of Cultural Communities and Immigration has created a bank of names of women in the cultural communities. The bank will be of use to the public and quasi-public sectors for purposes of appointments to important positions or membership on committees and/or boards of directors.

### **Article 3**

172. On June 3, 1986, as part of the Week to Fight Racism and on the occasion of the visit of Archbishop Desmond Tutu to Québec, the Québec National Assembly unanimously adopted the following resolution:

"That in view of the position taken earlier by the National Assembly with respect to the apartheid policy practised by the government of South Africa and in view of the Québec public's concern for human rights, this Assembly supports the efforts of Archbishop Desmond Tutu, Nobel Peace Prize winner and Primate of the Anglican Church of South Africa, who is currently visiting Québec, to find a peaceful solution to the racial problems and human rights violations of which the black population in South Africa is the victim."

## Article 6

### C. Information on the Practice and Decisions of the Courts and other Judicial and Administrative Organs Relating to Cases of Racial Discrimination

173. In 1985-1986, 189 complaints of discrimination based on race, colour or ethnic or national origin were made to and examined by the Commission des droits de la personne (human rights commission). These represented approximately 14% of all complaints, and about 100 of them came from the employment sector.

174. The promotion and defence of rights in the taxi industry in Montréal remains one of the major concerns of the Commission des droits de la personne. The Commission placed as much importance on follow-up to the public inquiry into allegations of racial discrimination as on the inquiry itself, and systematically implemented the recommendations of the final report during the year (see Eighth Report, paragraphs 211-212).

175. The Commission, in co-operation with associations of Black drivers and community organizations, has called upon those involved in the taxi industry to rectify and prevent racial discrimination. The search for satisfactory solutions continues.

## Article 7

### Legislative, Judicial, Administrative or Other Measures Adopted in the Fields of Education, Culture and Information

#### A. Education and teaching

##### (a) Conference on Fundamental Rights Education

176. The conference on Fundamental Rights Education for elementary and secondary schools was held in Montréal on February 7, 8 and 9, 1986. It was to mark its ten years in existence that the Commission des droits de la personne decided to invite the elementary and secondary school sector to engage in collective reflection on the present situation and future prospects for fundamental rights education in Québec schools.

177. The record of proceedings of the Conference includes papers prepared by several people from the world of education and by human rights and freedoms experts. The main topics dealt with in the publication are knowledge of fundamental rights through texts, declarations, charters, covenants and conventions, pedagogical practices that promote rights education, programs for teaching

rights, school organization that respects the rights of all concerned, discrimination in Québec schools and adult/youth relations.

(b) Québec Schools and the Cultural Communities

178. The progress report of the working group on Québec schools and the cultural communities, set up by the Department of Education in January 1984, shows that the recommendations are continuing to be implemented (see Eighth Report, paras 223 et seq).

179. The co-ordination group formed of representatives of the Department of Education and the Department of Cultural Communities and Immigration is continuing its work. It has focussed on the policy statement on intercultural education, making teaching staff aware of intercultural education and the under-education of a certain proportion of students from the cultural communities when they arrive in Québec.

## B. Culture

180. Apart from the financial assistance programs designed for cultural community organizations, the Department of Cultural Communities and Immigration is carrying out two additional activities:

(a) Awarding of the Cultural Communities Prize

181. On April 7, 1986 the Minister awarded the Cultural Communities Prize to Mr. José Henriques. Mr. Henriques, who is of Portuguese origin, immigrated to Québec in 1971. Since 1974 he has been organizing social and cultural activities in the recreation department in his municipality. He took part in the founding of the Association des Portugais de l'Outaouais and in the construction of its community centre.

182. This was the third consecutive year this prize, which is worth \$15,000, had been awarded. It is given every year to someone who, through his or her community involvement, has made a significant contribution to the preservation, enrichment and increased awareness of one or more cultural communities in Québec and to bringing these communities closer to the host society.

(b) Organization of the "Tout l'art du monde" Competition

183. During 1985-1986, the Department organized the second "Tout l'art du monde" competition, in which over 300 artists participated. This program, designed to acquire works of art and aimed at Québec artists from the cultural communities, will allow 56 artists from 31 different countries to share a total of \$50,000. The aim of the competition is to grant financial assistance to those whose works are selected and provide wider distribution for their work. After being shown in Montréal, the exhibition toured various parts of Québec.

## C. Information

184. Among the measures the Department of Cultural Communities and Immigration has taken in this field, we should mention in particular the allocation of \$94,500 in 1985-1986 under the program to assist the cultural communities media. Seven multi-ethnic and twenty-eight ethnic media shared this amount.

185. In a memorandum presented to the Minister of Cultural Communities and Immigration in January 1987, the Conseil des Communautés culturelles et de l'Immigration expressed concern about the problem of the under-representation of ethnic and racial minorities in the Québec media. It therefore recommended that a general information and communication policy be developed and implemented for the cultural communities. This policy would have several aims, including the hiring of a larger number of representatives from the cultural communities in the communications network. The Council is encouraging the Government to pursue its policy of making the general public and professionals in the media aware of Québec's cultural diversity. The Council also recommends that the cultural communities be represented fairly in government publicity and that there be more such publicity in the ethnic press.

## **SASKATCHEWAN**

186. Saskatchewan's submission to Canada's ninth report under the Convention will update to June 1987 the information contained in the eighth report.

### **2(a) Multicultural Policy and Programs**

187. In July 1986, a Ministers' Committee on Multiculturalism was formed to address the implications of multiculturalism on social and economic issues in Saskatchewan.

### **2(b) Official Language Minority Policy**

188. A Second Language Program to provide public service employees with training opportunities to improve their competence in a second language was established in April 1986. In the first year of the program 161 employees throughout the public service enrolled in French classes. The program also has the capacity to offer training sessions in other languages, for example, Cree. However, the demand for pursuing this option has not arisen. The program is cost-shared by the federal Department of the Secretary of State.

### **2(c)(iii) Affirmative Action**

189. The number of affirmative action programs referred to in paragraph 244 of the eighth report has risen to 10 directed to employment and 4 to education and training.

190. Based on research reports which indicated that approximately 90% of students of Indian ancestry were dropping out of the education system before graduating from grade 12, in September 1985 the Saskatchewan Human Rights Commission issued a report entitled "Education Equity". The report called on school boards whose enrollment of students of Indian ancestry exceeds 5% to take action to curtail the dropout rate by: (1) developing a hiring plan to increase the number of teachers of Indian ancestry; (2) ensuring cross-cultural training for all teachers; (3) increasing and improving participation of parents of Indian ancestry in the school system; (4) reviewing curricula to ensure Native content is included; and (5) reviewing school board policies and procedures as they affect persons of Indian ancestry. It is expected that by December 31, 1987, 12 school boards will be implementing education equity plans approved by the Human Rights Commission.

191. The Government of Saskatchewan's Interim Employment Equity Plan, approved by the Saskatchewan Human Rights Commission, includes goals for the recruitment of persons of Native ancestry into the public service and their further advancement within the public service. In order to ensure that candidates are available, the plan calls for maintaining inventories of qualified persons from designated groups and maintaining contact with relevant community organizations.

## **2(c)(iv) Education**

192. The Indian and Métis Education Awareness In-service Program reported in the last submission has been revised. Under the program over 130 teachers have been trained and workshops have been held throughout the province.

193. The Indian and Métis Education Development Program has funded a total of 18 projects since the last report. Project sites report increased student retention, new employment positions for people of Indian and Métis ancestry, increased cross-cultural awareness of school staffs and considerable individual, family and community impact.

194. Work continues on the Five Year Action Plan for Native Curriculum Development reported in the last submission. Developments since the last report include the publication of "Métis Development and the Canadian West", "Saskatchewan Indians and the Resistance of 1885" and a bibliography for teachers listing suitable materials for language arts in grades 1 to 6. A Native Studies (Grade 10) course is being piloted and courses for grades 11 and 12 are being developed. A policy on Indian and Métis education and proposals for the development of Indian language programs are near completion.

195. The Saskatchewan Urban Native Teacher Education Program (SUNTEP) is a continuing program directed to increasing the number of certified Indian and Métis teachers in the school systems of Saskatchewan. The Northern Teacher Education Program, which mirrors SUNTEP, permits the Indian and Métis people of northern Saskatchewan to receive their education in the north. Graduates from both programs have high employment rates.

196. The Saskatoon Native Survival School continues to operate with the support of Saskatchewan Education. Results in terms of student success have been noticeable in this program which is directed to academic excellence, pride in one's heritage and basic life skills. Students' learning experiences continue to be shaped by their teachers, community resource people and respected elders.

197. The community schools project delivers special programs designed for inner city schools in areas of high Indian and Métis enrollment. These schools receive funding for central administration, community school co-ordinators, teaching associates, nutrition programs and local curriculum development. Community school councils facilitate Indian and Métis involvement in education.

198. In addition to the specific concerns of Native persons, the more general multicultural nature of Saskatchewan is being addressed in the development of a new core curriculum. Also, a policy on multicultural education is presently being developed. Programs in the heritage language area are in place, most notably in Ukrainian and German. Recommendations made by a reference committee regarding heritage language policies are being studied by Saskatchewan Education.

## **2(c)(v) Employment Training and Placement**

199. The Department of Human Resources, Labour and Employment houses programs designed to increase the participation of Native people in the provincial economy. The Native Career Development Program provides training and employment opportunities for Native people and the Canada/Saskatchewan Special Agricultural and Rural Development Agreement (Special ARDA) provides opportunities for small business development, training and primary producing activities in renewable resources.

## **2(c)(vi) Economic Development**

200. Agriculture in northern Saskatchewan, most of which involves people of Native ancestry, benefits from: (a) continued provision of specialist staff in support of wild rice, market gardening, blueberry production, cage rearing of trout and fur farming; (b) expanded funding for research on and demonstration of the above enterprises; (c) the general extension of production and financial management for northern residents; (d) co-operation with other agencies to develop a land-lease policy that would allow commercial market gardens and blueberry operations to develop; (e) the support of 4H activities in gardens, poultry, and livestock; (f) a wild rice seed distribution program and grants for the purchase of wild rice harvesters; (g) the northern agricultural conference organized by the Northern Advisory Council to make people aware of opportunities; and (h) further development of the northern horticulture research and demonstration centre.

201. The Department of Tourism, Small Business and Co-operatives has participated jointly with the federal Department of Regional Industrial Expansion in administering a special program directed to persons of Indian ancestry or businesses whose labour force comprises 50% or more persons of Indian ancestry. The program provides financial assistance for small business activities, related infrastructure, primary producing activities and social-economic development.

202. The Department also provides loans for trappers and fishermen, and other business endeavours in northern Saskatchewan. While these loans are not targeted specially towards persons of Native ancestry, a large percentage of the loans made are directly to persons of Native ancestry, or to businesses which employ Natives. This is a special lending service which is provided to the residents of northern Saskatchewan and is not available in other parts of the province.

## **2(c)(vii) Native Housing**

203. While Saskatchewan Housing Corporation is no longer involved in the delivery of new housing through the programs identified in paragraph 260 of the eighth report, it continues to administer existing housing units under the programs. In northern Saskatchewan local residents, usually of Native ancestry, are employed to provide counselling to program clients, and are trained in the management of rental housing.

204. Through the Innovative Housing Program, private and non-profit developers are encouraged to submit creative and suitable designs for the development of new social housing units. Persons of Native ancestry and other ethnic groups are equally eligible to take advantage of the program.

## **2(c)(viii) Support Services**

205. In addition to continuing programs outlined in the seventh and eighth reports, Saskatchewan Social Services provides funding for three Native-run agencies which were established to provide homemaker and parent aide services with the objective of helping to keep families together.

## **2(c)(ix) Health**

206. In addition to continuing programs outlined in the seventh and eighth reports, Saskatchewan Health provides grants to 14 northern communities to employ Native community health workers to assist health care practitioners in providing medical, public health and counselling services.

## **2(c)(x) Human Justice**

207. At the Regina Correctional Centre, the Saskatchewan Indian Federated College provides courses on Native culture and tradition. The Gabriel Dumont Institute holds sessions on employment planning at Pine Grove Correctional Centre (female inmates) and Peyakowak, a Native organization which concentrates on strengthening family ties, conducts weekly sessions within the Centre. In addition, each Correctional Centre has access to a Native Elder. The Elders attend on a weekly basis, or as required, for consultation purposes.

208. In 1986, a course on Native Awareness taught by members of SINCO (a Native consulting firm) was replaced by a more general Cross-Cultural Awareness training session. This course is mandatory for all correctional centre staff during the Corrections Worker Training Program.

## **2(c)(xii) Grants to Native Groups**

209. In addition to the continuation of funding as outlined in paragraph 269 of the eighth report, grants were made with respect to Indian and Native economic development.

# **PART IV: MEASURES ADOPTED BY THE GOVERNMENTS OF THE TERRITORIES**

## **NORTHWEST TERRITORIES**

210. The Government of the Northwest Territories reports that claims of discrimination on the basis of race continue to be very rare. While a human rights code for the Northwest Territories remains a future possibility, the enactment of such a law is not expected to increase the number of such complaints.

211. The Fair Practices Act remains as the Northwest Territories human rights statute, and it, along with the Canadian Human Rights Act, continues to afford protection against discrimination in the Northwest Territories.

## **YUKON**

212. Yukon's submission to Canada's 9th report under the Convention addresses the Government's development in establishing comprehensive human rights legislation.

213. As of February 1, 1987, the Yukon Human Rights Act was assented to and on July 1, 1987, proclaimed as a basic legal instrument to address discrimination in Yukon society. As such, a Commission was established to enforce the Act in addition to establishing educational strategies to achieve the following objectives:

S.1 (1)(a) To further in the Yukon the public policy that every individual is free and equal in dignity and rights,

(b) to discourage and eliminate discrimination,

(c) to promote the recognition of the inherent dignity and worth and of the equal and inalienable rights of all members of the human family, these being principles underlying the Canadian Charter of Rights and Freedoms and the Universal Declaration of Human Rights and other solemn undertakings, international and national, which Canada honours.

(2) This Act does not affect rights pertaining to aboriginal peoples established by the Constitution of Canada or by a land claims agreement.

### **Multicultural Heritage**

214. This Act shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of the residents of the Yukon.

### **Prohibited Grounds**

215. Specific provisions under this legislation include a complaint mechanism to address allegations of racial discrimination in housing, employment and public services defined, among other things, under the following prohibited grounds:

- (a) ancestry, including colour and race,
- (b) national origin,
- (c) ethnic or linguistic background or origin,
- (d) actual or presumed association with other individuals or groups whose identity or membership is determined by any of the above.

216. In September 1987, the Yukon Human Rights Commission began a plan of action to focus a large part of its human rights educational development activities towards racial discrimination in Yukon society. In the first 6 months of its existence, the Commission produced advertisements, posters and countless news commentaries addressing racism in order to bring about significant public debate. In particular, the definition of racism the Commission has publicized broadly defines the adverse effects of disadvantages experienced by people of Indian ancestry in daily living.

"Racism scours the depths of our souls, and dredges up the most undesirable of emotions, yet the fear, the poverty and the hatred pale beside racism's true legacy: the destruction of human dignity and potential".

217. The Commission's plan to develop a long-term educational strategy to address racial discrimination is a complex and controversial undertaking for the Commission's first year of development. However, a public foundation with a mandate to achieve greater racial tolerance is a necessary component of Yukon's economy and future.

**Table 1. Population by Selected Ethnic Origins, for Canada, Provinces and Territories, 1986.**  
(Based on 20% sample data)<sup>1</sup>

Selected Ethnic Origins	Canada	Nfld	P.E.I.	N.S.	N.B.	Quebec	Ontario
<b>Total population</b>	<b>25,022,005</b>	<b>564,000</b>	<b>125,090</b>	<b>864,150</b>	<b>701,860</b>	<b>6,454,490</b>	<b>9,001,170</b>
<b>Single origins</b>	<b>18,035,665</b>	<b>470,280</b>	<b>74,105</b>	<b>535,905</b>	<b>504,350</b>	<b>6,010,010</b>	<b>5,952,105</b>
British(1)	6,332,725	449,760	59,275	417,690	251,315	319,550	2,912,830
French(2)	6,093,160	11,315	11,130	52,900	232,570	5,015,565	531,580
Austrian	24,900	25	5	85	50	1,645	10,475
Belgian	28,395	0	65	320	120	6,485	12,180
Dutch (Netherlands)	351,765	395	1,280	9,320	2,900	6,365	171,150
German	896,720	1,155	535	21,205	3,760	26,780	285,155
Swiss	19,130	30	5	160	65	3,425	7,600
Finnish	40,565	10	10	95	90	810	26,530
Scandinavian(3)	171,715	265	135	1,230	1,215	2,540	26,755
Estonian	13,200	0	0	105	40	655	10,045
Latvian	12,615	35	0	60	5	905	9,550
Lithuanian	14,725	5	0	125	20	2,195	10,265
Czech and Slovak(4)	55,535	40	15	315	90	4,085	28,910
Hungarian (Magyar)	97,850	40	50	460	230	8,545	51,255
Polish	222,260	200	100	1,840	375	18,835	117,575
Romanian	18,745	0	0	50	20	3,315	7,385
Russian	32,080	10	0	125	30	1,815	5,780
Ukrainian	420,210	105	65	1,440	490	12,225	109,705
Croatian	35,115	5	0	20	5	920	26,760
Serbian	9,510	0	0	5	5	240	8,405
Slovenian	5,890	5	5	25	20	245	4,720
Yugoslav, n.i.e.	51,205	15	5	175	95	3,735	32,215
Macedonian	11,355	5	0	0	0	30	11,175
Greek	143,780	35	5	1,145	230	47,450	80,320
Italian	709,590	235	80	2,260	865	163,880	461,375
Maltese	15,345	40	0	55	10	150	14,330
Portuguese	199,595	270	75	540	255	29,700	139,220
Spanish	57,125	75	5	275	135	16,605	28,000
Jewish	245,855	150	40	1,760	605	81,190	127,030
Armenian	22,525	0	0	30	15	10,810	10,750
Iranian	13,325	105	0	165	25	3,205	5,825
Turk	5,065	0	0	170	20	735	3,270
Arab, n.i.e.	27,270	40	85	140	105	9,190	12,700
Egyptian	11,580	15	0	125	35	6,160	4,200
Lebanese	29,345	80	230	2,135	660	8,270	11,820
South Asian(5)	266,800	680	205	1,950	735	17,780	135,135
Chinese	360,320	610	130	1,345	765	23,205	156,170
Japanese	40,245	25	0	65	85	1,285	16,150
Korean	27,685	5	0	25	70	1,235	17,200
Filipino	93,285	285	0	200	230	5,110	44,195
Cambodian	10,365	0	0	5	0	5,165	3,160
Laotian	9,580	20	0	25	0	2,795	3,780
Vietnamese	53,015	40	10	430	290	15,860	17,155
Pacific Islands origins(6)	6,625	0	0	0	0	90	425
Latin, Central and South							
American origins(7)	32,235	15	10	115	75	12,085	11,895
Caribbean origins(8)	48,475	25	0	130	70	12,980	30,060
Black	170,340	55	50	7,890	935	36,785	108,710
African Black	4,630	0	25	25	15	640	1,960
Aboriginal peoples(9)	373,265	3,825	410	5,960	3,885	49,320	55,560
Other single origins	99,025	205	65	1,190	740	7,420	33,715
<b>Multiple origins(10)</b>	<b>6,986,345</b>	<b>93,730</b>	<b>50,985</b>	<b>328,245</b>	<b>197,505</b>	<b>444,480</b>	<b>3,049,060</b>
British only(11)	2,073,830	52,015	27,135	124,500	77,995	60,715	1,032,120
British and French	1,139,345	24,290	15,180	80,605	69,855	174,250	512,570
British and other	2,262,525	12,635	5,985	81,445	30,555	55,235	942,560
French only(12)	5,930	5	10	515	1,280	3,490	290
French and other	325,655	815	420	7,025	3,285	77,195	103,345
British, French and other	563,065	3,415	1,990	24,795	12,580	39,590	244,370
Other multiple origins	616,000	550	270	9,360	1,955	33,995	213,815

See footnotes on page 5.

**Table 1. Population by Selected Ethnic Origins, for Canada, Provinces and Territories, 1986.**  
(Based on 20% sample data)<sup>1</sup> - Concluded

Selected Ethnic Origins	Manitoba	Sask.	Alberta	B.C.	Yukon	N.W.T.
<b>Total population</b>	<b>1,049,320</b>	<b>996,695</b>	<b>2,340,265</b>	<b>2,849,585</b>	<b>23,360</b>	<b>52,020</b>
<b>Single origins</b>	<b>681,580</b>	<b>604,750</b>	<b>1,389,930</b>	<b>1,759,810</b>	<b>12,855</b>	<b>39,980</b>
British(1)	224,375	222,115	592,345	871,070	5,370	7,015
French(2)	55,720	33,535	77,585	68,965	775	1,510
Austrian	1,665	1,615	3,170	6,140	25	15
Belgian	4,255	1,440	1,755	1,750	15	15
Dutch (Netherlands)	27,875	13,025	55,920	62,945	350	240
German	96,160	128,850	182,870	148,280	880	1,085
Swiss	595	600	2,475	4,125	30	25
Finnish	720	1,075	2,625	8,545	25	30
Scandinavian(3)	14,835	24,895	46,525	52,560	445	305
Estonian	55	50	580	1,660	5	5
Latvian	400	55	545	1,030	15	10
Lithuanian	340	160	840	760	10	5
Czech and Slovak(4)	2,770	2,145	8,235	8,795	60	70
Hungarian (Magyar)	3,230	8,115	12,780	13,000	95	40
Polish	22,015	13,325	28,500	19,305	75	100
Romanian	640	2,695	2,790	1,840	5	5
Russian	1,755	4,130	4,185	14,170	55	30
Ukrainian	79,940	60,550	106,760	48,200	340	400
Croatian	665	245	1,990	4,510	0	0
Serbian	85	125	225	390	15	20
Slovenian	120	30	410	310	10	0
Yugoslav, n.i.e.	1,195	700	4,525	8,420	60	60
Macedonian	0	0	105	45	0	0
Greek	2,025	1,185	4,030	7,295	30	40
Italian	8,230	1,950	23,635	46,755	75	255
Maltese	100	10	175	475	0	0
Portuguese	7,335	330	6,280	15,535	10	30
Spanish	1,180	625	5,280	4,910	20	15
Jewish	13,870	990	7,945	12,230	35	10
Armenian	75	10	110	725	0	0
Iranian	180	185	800	2,820	15	0
Turk	15	70	555	215	0	10
Arab, n.i.e.	270	365	3,145	1,210	0	10
Egyptian	115	90	645	205	0	0
Lebanese	170	240	5,010	720	0	0
South Asian(5)	7,415	3,450	30,090	69,250	45	65
Chinese	8,730	7,210	49,210	112,605	105	240
Japanese	1,055	330	5,295	15,905	10	35
Korean	565	120	3,385	5,065	5	20
Filipino	15,815	1,190	10,260	15,810	20	155
Cambodian	315	135	1,020	555	0	5
Laotian	920	520	655	860	0	0
Vietnamese	2,055	1,630	9,630	5,740	35	135
Pacific Islands origins(6)	20	0	780	5,305	5	0
Latin, Central and South						
American origins(7)	1,185	780	3,790	2,245	15	20
Caribbean origins(8)	1,260	290	2,455	1,205	0	5
Black	3,665	905	7,235	3,995	10	105
African Black	235	325	740	660	0	0
Aboriginal peoples(9)	55,410	55,645	51,670	61,130	3,280	27,175
Other single origins	9,940	6,685	18,370	19,560	470	670
<b>Multiple origins(10)</b>	<b>367,740</b>	<b>391,950</b>	<b>950,335</b>	<b>1,089,780</b>	<b>10,505</b>	<b>12,040</b>
British only(11)	86,560	75,440	213,130	319,240	2,410	2,570
British and French	35,495	27,760	90,315	106,370	1,175	1,475
British and other	131,620	167,320	393,770	432,590	4,495	4,325
French only(12)	40	45	105	130	0	0
French and other	23,910	25,685	45,710	37,135	420	705
British, French and other	30,610	31,395	82,935	89,000	1,055	1,340
Other multiple origins	59,500	64,305	124,365	105,310	950	1,620

The Daily, December 3, 1987

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**Abbreviation:** *n.i.e.* = *not included elsewhere*

**Note:<sup>1</sup>** In this and all subsequent tables and graphs, the figures for 1986 exclude the population on incompletely enumerated Indian reserves and settlements. For Canada there were 136 such reserves and settlements and the total population was estimated to be about 45,000 in 1986.

**Footnotes:**

- |   |   |
|---|---|
| <p>(1) Includes the single origins of English, Irish, Scottish, Welsh, British, <i>n.i.e.</i> and Other British.</p> <p>(2) Includes the single origins of French, Acadian, French Canadian and Québécois.</p> <p>(3) Includes the single origins of Danish, Icelandic, Norwegian, Swedish and Scandinavian, <i>n.i.e.</i></p> <p>(4) Includes the single origins of Czech, Czechoslovakian and Slovak.</p> <p>(5) Includes the single origins of Bengali, Gujarati, Punjabi, Singhalese, Tamil, Bangladeshi, <i>n.i.e.</i>, East Indian, <i>n.i.e.</i>, Pakistani, <i>n.i.e.</i> and Sri Lankan, <i>n.i.e.</i></p> | <p>(6) Includes the single origins of Fijian, Polynesian and Other Pacific Islanders.</p> <p>(7) Includes the single origins of Argentinian, Brazilian, Chilean, Ecuadorian, Mexican, Peruvian and Other Latin / Central / South American origins.</p> <p>(8) Includes the single origins of Cuban, Haitian, Jamaican, Puerto Rican, Other Caribbean, <i>n.i.e.</i> and Other West Indian.</p> <p>(9) Includes the single origins of Inuit, Métis and North American Indian.</p> <p>(10) Includes persons who report more than one origin.</p> <p>(11) The British Only multiple category includes persons who report more than one of the following origins: English, Irish, Scottish, Welsh, British, <i>n.i.e.</i> and Other British.</p> <p>(12) The French Only multiple category includes persons who report more than one of the following origins: French, Acadian, Franco-Manitoban, Franco-Ontarian, French Canadian and Québécois.</p> |
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## Proclamation of the Second Decade for Action to Combat Racism and Racial Discrimination

WHEREAS Canada subscribes to the Universal Declaration of Human Rights which recognizes that the inherent dignity and equal and inalienable rights of all members of the human family are the foundation of freedom, justice and peace in the world;

CONVINCED that any philosophy of racial differentiation or doctrine of racial superiority is morally reprehensible, socially unjust and dangerous to society and that there is no justification for racial discrimination either in theory or in practice;

CONVINCED also that racial discrimination harms not only those who are its objects but also those who practise it, in whatever form, including the system of "apartheid";

ACKNOWLEDGING that the Constitution of Canada, through the **Charter of Rights and Freedoms** provides for equality before and under the law and equal protection and benefit of the law without discrimination based on, among other things, race, national or ethnic origin, colour or religion, not precluding any law, program or activity aimed at ameliorating conditions of disadvantage based on these grounds; and recognizes the multicultural character of Canadian society;

BELIEVING firmly that there is no obligation more compelling, no duty more irresistible than to ensure that minorities live at all times in conditions of fairness and justice;

DETERMINED to build a nation in which every Canadian regardless of race, national or ethnic origin, colour, or religion, has the opportunity to realize his or her potential and can live in dignity, respect and peace;

NOTING WITH SATISFACTION the efforts made by Canadians toward the elimination of racism and racial discrimination;

MINDFUL however, of the urgent need to redouble these efforts to eradicate racism and to secure understanding of and respect for the dignity and equality of all Canadians;

RECOGNIZING that the General Assembly of the United Nations, in its resolution 38/14 of December 20, 1983 and in its **Programme of Action for the Second Decade to Combat Racism and Racial Discrimination 1983-1993**, called upon all States and organizations to participate in the celebration of the Second Decade by intensifying and extending their efforts to ensure the rapid elimination of racism and racial discrimination;

CONSIDERING that the Government of Canada made a commitment at the Federal-Provincial-Territorial Ministers Conference on Human Rights in September, 1985, to issue a Proclamation regarding this Second Decade;

THEREFORE NOW, I, Brian Mulroney, Prime Minister of Canada, do hereby proclaim the **Second Decade for Action to Combat Racism and Racial Discrimination (1983-1993)** and call upon all Canadians to participate in the celebration of the Second Decade by intensifying and extending their efforts to ensure the rapid eradication of racism and racial discrimination and the realization of mutual understanding, respect, equality and justice for all Canadians.

Let us all work toward the day when racism and racial discrimination become history and when every Canadian can participate fully and equally in the life of our country.

## Proclamation de la Deuxième Décennie de la lutte contre le racisme et la discrimination raciale

CONSIDÉRANT que le Canada souscrit à la Déclaration universelle des droits de l'homme selon laquelle la reconnaissance de la dignité inhérente à tous les membres de la famille humaine et de leurs droits égaux et inaliénables constitue le fondement de la liberté, de la justice et de la paix dans le monde;

CONVAINCU que toute doctrine de différenciation entre les races ou de supériorité d'une race sur une autre est moralement condamnable, socialement injuste et dangereuse et que rien ne saurait justifier la discrimination raciale, ni en théorie ni en pratique;

CONVAINCU aussi que la discrimination raciale porte préjudice non seulement à ceux qui en sont les victimes mais également à ceux qui la pratiquent sous une forme ou une autre, en particulier celle de l'«apartheid»;

RECONNAISSANT que la Constitution du Canada, par le truchement de la **Charte des droits et libertés**, porte que la loi ne fait acception de personne et s'applique également à tous, que tous ont droit à la même protection et au même bénéfice de la loi, indépendamment de toute discrimination fondée notamment sur la race, l'origine nationale ou ethnique ou la couleur, sans interdire les lois, programmes ou activités destinés à améliorer la situation d'individus ou de groupes défavorisés du fait de ces motifs, et qu'elle reconnaît le caractère multiculturel de la société canadienne;

CROYANT fermement qu'il n'y a pas d'obligation plus grande ni de devoir plus impérieux que d'assurer en tout temps aux minorités des conditions de vie justes et équitables;

RÉSOLU à bâtir une nation où tous les Canadiens, sans distinction fondée sur le sexe, la race, la couleur, l'origine nationale ou ethnique, ou la déficience, auront la possibilité de se réaliser pleinement et de vivre dans la dignité, le respect et la paix;

PRENANT NOTE AVEC SATISFACTION des efforts déployés par les Canadiens en vue d'éliminer le racisme et la discrimination raciale;

CONSCIENT toutefois de l'urgent besoin de multiplier ces efforts pour supprimer le racisme et pour assurer la compréhension et le respect de la dignité et de l'égalité de tous les Canadiens;

RECONNAISSANT que l'Assemblée générale des Nations Unies, dans sa résolution 38/14 du 20 décembre 1983 et dans son **Programme d'action pour la deuxième Décennie de la lutte contre le racisme et la discrimination raciale 1983-1993**, a invité tous les États et les organisations à participer à la célébration de la deuxième Décennie en intensifiant et en élargissant leurs efforts afin d'assurer l'élimination rapide du racisme et de la discrimination raciale;

CONSIDÉRANT que le gouvernement du Canada s'est engagé, dans le cadre de la conférence fédérale-provinciale-territoriale des ministres chargés des droits de la personne en septembre 1985, à faire une proclamation concernant cette Deuxième Décennie;

EN CONSÉQUENCE, je soussigné, Brian Mulroney, Premier ministre du Canada, proclame par les présentes la **Deuxième Décennie de la lutte contre le racisme et la discrimination raciale (1983-1993)** et invite tous les Canadiens à participer à la célébration de la deuxième Décennie en intensifiant et en élargissant leurs efforts afin de réaliser l'élimination rapide du racisme et de la discrimination raciale et d'assurer la compréhension et le respect mutuels, ainsi que l'égalité et la justice pour tous les Canadiens.

Tous ensemble, travaillons à l'avènement du jour où le racisme et la discrimination raciale seront choses du passé et où tous les Canadiens pourront participer pleinement et en toute égalité à la vie de notre pays.

Prime Minister of Canada  
March 21, 1986

Premier ministre du Canada  
le 21 mars 1986



# Declaration of National Citizenship Week

**W**HEREAS *Canadian citizenship recognizes the equal status of the citizen by birth and the citizen by choice, each being entitled to the rights and privileges and subject to the duties and responsibilities which flow from being a Canadian citizen;*

*BELIEVING that Canadian citizenship enhances loyalty and commitment to Canada and enriches the significance of membership in the Canadian community;*

*WHEREAS Canadian citizenship and its attendant values are to be promoted among the people of Canada;*

*MINDFUL that Canadian citizenship expects a knowledge and understanding of the different peoples, cultures, histories, official languages and symbols of Canada, and of the way in which it is governed, so that all may share and fully participate in the affairs of the nation;*

*BELIEVING that Canadian citizenship reflects the bilingual, multicultural character of Canada which respects the contribution of citizens of every background to the life of the country;*

*CONVINCED that many national and community goals can only be accomplished by people giving their time and talents in individual commitment or through voluntary organizations which work to enhance the quality of Canadian life;*

*ACKNOWLEDGING that the week of April 17 has been chosen as National Citizenship Week to coincide with the anniversary of the proclamation of the Canadian Charter of Rights and Freedoms which embodies many of the basic principles, values and beliefs of Canadian citizenship;*

*THEREFORE NOW, I, Brian Mulroney, Prime Minister of Canada, do hereby declare the week of April 12-18, 1987 to be the first National Citizenship Week and that henceforth the week of April 17 will be celebrated annually as National Citizenship Week.*

*I call upon all to participate in the celebration of Citizenship Week by reflecting on what it means to be a Canadian and joining others in special activities to mark the occasion.*

*Let us celebrate our citizenship and the beliefs and values it embodies.*

*Prime Minister of Canada  
April 1987*

#### ANNEX 4: LIST OF DOCUMENTS SUBMITTED WITH THIS REPORT

1. Reports on the celebration of Human Rights Day in 1985 and 1986.
2. Addendum to the daily. The Daily, December 3, 1987. Statistics Canada.
3. Toward Equality. Reponse to the Report of the Parliamentary Committee on Equality Rights. Government of Canada, 1986.
4. Declaration by the Government of Québec on Ethnic and Race Relations.
5. Rapport annuel 1985-1986. Conseil des Communautés culturelles et de l'Immigration du Québec.
6. Règlement sur les programmes d'accès à l'égalité. Commission des droits de la personne du Québec.
7. Human Rights Act. Statutes of Yukon 1987, Chapter 3.

## ANNEX 5: TEXT OF THE CONVENTION

### International Convention on the Elimination of All Forms of Racial Discrimination

Adopted and opened for signature and ratification by General Assembly  
resolution 2106 A (XX) of 21 December 1965

ENTRY INTO FORCE: 4 January 1969, in accordance with article 19.

*The States Parties to this Convention,*

*Considering* that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

*Considering* that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

*Considering* that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

*Considering* that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

*Considering* that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

*Convinced* that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

*Reaffirming* that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

*Convinced* that the existence of racial barriers is repugnant to the ideals of any human society,

*Alarmed* by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation,

*Resolved* to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

*Bearing in mind* the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

*Desiring* to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

*Have agreed* as follows:

#### PART I

##### Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

## Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

## Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

## Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as

all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

## Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the rights to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(iii) The right to nationality;

(iv) The right to marriage and choice of spouse;

(v) The right to own property alone as well as in association with others;

(vi) The right to inherit;

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii) The right to form and join trade unions;

(iii) The right to housing;

(iv) The right to public health, medical care, social security and social services;

- (v) The right to education and training;
- (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

#### *Article 6*

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

#### *Article 7*

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

### **PART II**

#### *Article 8*

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters.

At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

#### *Article 9*

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

#### *Article 10*

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

#### *Article 11*

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

#### *Article 12*

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention.

(b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

#### *Article 13*

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

#### *Article 14*

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.

(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

#### *Article 15*

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies.

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or

other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

#### *Article 16*

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

### **PART III**

#### *Article 17*

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### *Article 18*

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### *Article 19*

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

#### *Article 20*

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

#### *Article 21*

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

#### *Article 22*

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

#### *Article 23*

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

#### *Article 24*

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

(a) Signatures, ratifications and accessions under articles 17 and 18;

(b) The date of entry into force of this Convention under article 19;

(c) Communications and declarations received under articles 14, 20 and 23;

(d) Denunciations under article 21.

#### *Article 25*

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.











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# INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

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TENTH REPORT OF CANADA

January 1990



Canada



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**INTERNATIONAL CONVENTION ON  
THE ELIMINATION OF ALL  
FORMS OF RACIAL DISCRIMINATION**

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**TENTH REPORT OF CANADA**

January 1990

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## FOREWORD

The present report was submitted to the United Nations on January 25, 1990. It is to be reviewed by the U.N. Committee on the Elimination of Racial Discrimination at one of its upcoming sessions, along with Canada's ninth report submitted in August 1988.

The report is published in Canada as part of the continuing human rights educational program of Multiculturalism and Citizenship Canada. It is made available to Canadians to give them the opportunity to increase their awareness of the obligations contracted by Canada through the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, to sensitize them to the policies and programs adopted by their governments to implement the provisions of the Convention, and to enlist their support and co-operation in Canada's efforts to eradicate racism and racial discrimination.

This report is one of the shortest submitted to the United Nations under the terms of the Convention. This is at the request of the U.N. Committee which has adopted a new procedure for the presentation of States Parties' reports. As explained in paragraph 2 of the report, Canada was asked to present its tenth report as a mere update of the previous report submitted in 1988. Readers are therefore encouraged to examine both reports concurrently.

These reports are distributed free of charge and can be obtained from the Communications Branch or the Human Rights Directorate of Multiculturalism and Citizenship Canada.



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## INTRODUCTION

1. The present report is the tenth submitted by Canada under the terms of the *International Convention on the Elimination of All Forms of Racial Discrimination*.
2. In accordance with the recommendation of the Eleventh Meeting of States Parties to the Convention and the decision adopted by the Committee on the Elimination of Racial Discrimination that, as a general practice, "after the submission of initial comprehensive reports to the Committee, States parties would submit further comprehensive reports on every second occasion thereafter, when reports were due, i.e. every four years, and that they would submit brief updating reports on each intervening occasion when reports were due under the Convention", and as directed by the Secretary-General in his note G/SO 237/2 (2) of March 22, 1989, the present report has been prepared as a mere update of the ninth report submitted in 1988 and which is pending consideration by the Committee on the Elimination of Racial Discrimination. For a complete picture of the state of implementation of the Convention in Canada, the ninth report, as well as the eight other reports submitted since 1971, should be consulted.
3. Since Canada is a federal state comprising ten provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan) and two territories (Northwest Territories and Yukon), measures adopted by all governments need to be examined. Consequently, all parts of Canada's ninth report were reviewed and information contained herein updates, where necessary, the relevant sections of that report.
4. The information is presented mainly in the form of updates to the respective paragraphs of the ninth report.

## PART I: GENERAL

### Paragraphs 5-7 of the ninth report: Court cases on section 15 of the Charter

5. On February 2, 1989, the Supreme Court of Canada issued its first decision on the equality provisions of section 15 of the *Canadian Charter of Rights and Freedoms*. In *The Law Society of B.C. et al. v. Andrews et al.*, the Court described "discrimination" as "a distinction, whether intentional or not but based on grounds relating to personal characteristics of the individual or group, which has the effect of imposing burdens, obligations, or disadvantages on such individual or group not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society". On this basis, the Court concluded that the requirement of Canadian citizenship in the *Barristers and Solicitors Act* in order to join the British Columbia bar infringed the rights guaranteed by section 15 and was unconstitutional.

### Paragraph 8: Intergovernmental co-operation

6. Federal, provincial and territorial ministers responsible for human rights held their fifth ministerial conference in September 1988. Among other things, the ministers exchanged views and agreed on joint action on human rights education and the Second Decade to Combat Racism and Racial Discrimination. The ministers reaffirmed their support for the Second Decade and agreed:

- (i) to recognize March 21, the "International Day for the Elimination of Racial Discrimination", within their jurisdictions;
- (ii) to act individually and collectively to improve police-minority relations; and
- (iii) to support the adoption, by each government, of guidelines for the depiction of minorities in its communications.

Paragraph 9: Human Rights Day activities

7. A large number of activities took place in Canada during 1988, and in particular, on Human Rights Day - December 10, 1988, to mark the 40th Anniversary of the *Universal Declaration of Human Rights*. A detailed report has been submitted to the United Nations. Copies of that report will be made available to members of the Committee on the Elimination of Racial Discrimination.

**PART II: UPDATE OF INFORMATION ON MEASURES ADOPTED BY THE  
FEDERAL, PROVINCIAL AND TERRITORIAL GOVERNMENTS**

**A. FEDERAL GOVERNMENT**

Paragraph 17

8. The International Day for the Elimination of Racial Discrimination (March 21) was marked by numerous activities including a national public education campaign, in 1989. In his speech launching Canada's observance of this Day, the Minister of State for Multiculturalism and Citizenship paid tribute to the groups and individuals who devote their energies to overcome racism and discrimination, encouraged Canadians to use existing mechanisms to challenge acts of discrimination, promised increased efforts on behalf of the Government of Canada to fight racism, released a document outlining the directions the Government would take, including public education and support to the voluntary sector, and reiterated his Government's intention to establish a Canadian Race Relations Foundation.

Paragraph 20: Canadian Multiculturalism Act

9. The *Canadian Multiculturalism Act* was passed unanimously by both Houses of Parliament and entered into force on July 21, 1988. The Act recognizes that multiculturalism is a fundamental characteristic of Canadian society and that its diversity constitutes an invaluable resource in the shaping of Canada's future. Building on the equality and multiculturalism provisions of the *Canadian Charter of Rights and Freedoms*, the *Canadian Human Rights Act*, and international agreements on human rights (including the *International Convention on the Elimination of All Forms of Racial Discrimination*), and in harmony with the *Official Languages Act*, the Act sets out the multiculturalism policy of the Government of Canada as a policy "designed to preserve and enhance the multicultural heritage of Canadians while working to achieve the equality of all Canadians in the economic, social, cultural and political life of Canada".

10. The Act requires federal institutions to take specific action to implement the multiculturalism policy and it assigns to the Minister of State for Multiculturalism and Citizenship general responsibilities for ensuring a co-ordinated cross-government approach to

the implementation of the policy. The Minister also has a specific mandate in implementing the policy. This involves the administration of the multiculturalism programs within his own Department as well as the development of special government initiatives related to multiculturalism, and arrangements with other governments to further the implementation of the policy.

11. The first annual report on the operation of the Act, which will cover the fiscal year 1988-89, is expected to be tabled in Parliament early in 1990.

Paragraphs 23-26: Aboriginal matters

12. With regard to paragraph 23, measures continue to be adopted to protect and advance the special position of the Aboriginal peoples in Canadian society.

13. As mentioned in paragraph 24 of the ninth report, the Government of Canada remains committed to achieving a constitutional amendment on Aboriginal self-government. In addition, the Government continues to assist Aboriginal communities to achieve greater control over their affairs within existing constitutional arrangements. This process is not intended as a substitute for constitutional entrenchment of self-government, but as a complement to constitutional discussions. As of June 1, 1989, the Department of Indian Affairs and Northern Development had received a total of 121 community-based self-government proposals. In addition, on May 23, 1989, the Alexander Tribe (Alberta) and the Minister of Indian Affairs and Northern Development signed a framework agreement which, through negotiations, may lead to a renewed relationship and new tribal government arrangements for the Alexander community.

14. Under the revised comprehensive land claims policy, as described in Canada's ninth report (paragraph 25), Canada has reached settlement agreements-in-principle with the Council of Yukon Indians and the Dené-Métis of the Northwest Territories. In addition, an agreement-in-principle with the Tungavik Federation of Nunavut in the eastern Arctic is expected to be finalized in the very near future. Elsewhere, framework agreements have been signed with the Conseil Attikamek Montagnais of Québec and with the Nisga'a Tribal Council of British Columbia. The Government of Canada is also negotiating a framework agreement with the Labrador Inuit Association and the Newfoundland provincial government.

15. As a result of the amendments brought to the *Indian Act* in 1985 to remove sexual discrimination and reinstate persons who had lost Indian status under the Act, by July 1989, the Department of Indian Affairs and Northern Development had received applications representing 118,000 persons, and about one-half have so far been registered as status Indians. In September 1988, the Parliament further amended the *Indian Act* (Bill C-150) to correct an oversight in the 1985 amendment, so that now the date of death of a parent does not affect entitlement to registration.

## Article 2

Paragraphs 28-29

16. A new *Employment Equity Programs Exclusion Approval Order* has been enacted in 1988, replacing the Order mentioned in the ninth report. The Order will facilitate the

appointment of members of visible minority groups, Aboriginal peoples, disabled persons and women to certain positions in the Public Service by excluding such persons and specific positions from the operation of certain provisions of the *Public Service Employment Act*.

17. Mention was made in the ninth report of the voluntary identifier added to the application forms for employment in the Public Service of Canada. All Public Service application forms have now been revised to allow for the voluntary self-identification of members of all four designated groups: members of visible minority groups, Aboriginal peoples, disabled persons and women. Also, increased opportunities to self-identity are being provided throughout the employment processes to enable greater access to the benefits of the employment equity programs.

Paragraph 32: Implementation of employment equity

18. As required under the *Employment Equity Act*, federally regulated employers and Crown corporations have filed statistical reports on their implementation of employment equity.

19. The 368 reports submitted in June 1988 for the year 1987 were reviewed by the Canadian Human Rights Commission in the summer of 1988. Analysis of the employment data led the Commission to invite 19 employers, including 5 federal departments, to engage in detailed reviews of their employment systems. Seventeen employers agreed to do so. In July 1989, the Commission initiated complaints of discrimination against the two employers who refused the invitation: Bell Canada, a telephone company; and the Canadian Broadcasting Corporation, a radio and television network. The investigation of these complaints is proceeding.

20. In June 1989, 374 Employment Equity reports for the year 1988 were received and analyzed by the Employment and Immigration Commission and were referred to the Canadian Human Rights Commission for review.

21. The Employment and Immigration Commission has developed its own process to assess the extent to which employers subjected to the Act are achieving Employment Equity. Employers are individually assessed and ranked, by sector, on the basis of indicators which reflect different aspects of employer performance, for each of the designated groups. Ranking assigned to each employer forms an important aspect of the Minister's annual report to Parliament and is available to the public for review.

22. The Employment and Immigration Commission regularly uses special events, such as the International Day for the Elimination of Racial Discrimination, to promote Employment Equity principles and concepts.

### Article 3

Paragraphs 35-39: Opposition to *apartheid*

23. The Government of Canada continues to exert pressure on the Government of South Africa to dismantle *apartheid*, particularly through the application of economic sanctions, in concert with other members of the Commonwealth.

## Article 4

### Paragraphs 41, 43-44

24. In the case of John Ross Taylor, the appeal to the Supreme Court of Canada was heard in December 1989, in conjunction with the cases of James Keegstra, Donald Andrews and Robert Smith. The Government of Alberta was appealing the decision of the Alberta Court of Appeal which quashed James Keegstra's conviction. Donald Andrews and Robert Smith were appealing their convictions and sentences which had been upheld by the Ontario Court of Appeal. The Supreme Court reserved judgement in all three cases.

### Paragraphs 42 and 138

25. On May 11, 1988, Ernst Zundel was convicted of spreading false news in a new trial held before the Ontario District Court. He appealed his conviction to the Ontario Court of Appeal. The decision of this latter Court is still pending.

### Paragraph 47: Prosecution of alleged war crime perpetrators

26. At the time of preparing this report the trial of Imre Finta was underway in the Ontario Supreme Court. As well, in December 1989, a second person, Michael Pawlowski, was charged with war crimes for the murder of 80 Polish persons and 410 Jewish persons in 1942. A trial date has yet to be set.

## Article 5

### Paragraph 49: Official languages policy renewal

27. The new *Official Languages Act* was assented to on July 28, 1988. Sections 1-93 and 96-110 came into force on September 15, 1988 and section 95 on February 1, 1989.

## Article 6

### Paragraphs 54-55: Native judicial programs

28. The Correctional Service of Canada is implementing the recommendations of the *Task Force Report on Aboriginal Peoples in Federal Corrections* released by the Solicitor General in March of 1989, which expanded the programs described in paragraphs 54 and 55 of the ninth report. As well, the Correctional Service is working with the National Parole Board to improve the acceptance rate for parole applications from Native offenders and to develop improved post-release supervision and residential care for Native offenders on parole.

29. During the summer of 1989, the existing Aboriginal Policing Section of the Royal Canadian Mounted Police (RCMP) was expanded to a Directorate under an Assistant Commissioner to help ensure that Aboriginal issues relating to the RCMP are properly addressed. In the fall of 1989, a major study of Aboriginal Policing was completed following interviews with over 100 Native leaders across Canada to identify needs and concerns. Commencing in 1990, each RCMP Division has been directed to hold a conference to address regional concerns related to Aboriginal Policing. In addition, a

National Advisory Committee is being established to provide the RCMP with a national overview of the planned objectives of Aboriginal leaders.

## **Article 7**

### Paragraphs 56-58

30. The Government continues to operate educational programs and to support educational activities of non-governmental organizations as explained in the ninth and other reports.

## **B. PROVINCIAL GOVERNMENTS**

### **ALBERTA**

#### **I. Introduction**

31. The present report is an update of the information on Alberta contained in Canada's ninth report. It covers the period between October 1987 to date. The information is presented in the form of updates on new developments with respect to the articles of the Convention previously responded to.

#### **II. Update of information on the measures adopted by Alberta**

### **Article 2**

### Paragraphs 60-64

32. For a comprehensive report of programs related to policing in a multicultural society, see the report on this topic recently submitted to the Secretariat of the intergovernmental Continuing Committee of Officials on Human Rights\*.

### **Article 7**

### Paragraphs 65-66

33. See appended\*\* Alberta Report on the Teaching of Human Rights recently submitted to the Continuing Committee Secretariat.

### Paragraph 67

34. To improve access by Native people to post-secondary education, an interdepartmental task force has been created. This task force meets with Native students, parents, educators and administrators to identify the transition needs of Native students and make recommendations to the Alberta Department of Advanced Education.

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\* This report will be submitted separately as reference material.

\*\* This report will be submitted separately as reference material.

Paragraph 69

35. In conjunction with federal government funding, over 50 community-based literacy projects have been introduced to meet identified community needs.

**BRITISH COLUMBIA**

**General**

36. The Government of the Province of British Columbia issued a proclamation designating March 21, 1989, as "International Day for the Elimination of Racial Discrimination", recommitting the Government to ongoing vigilance with regard to manifestations of racism by enforcement of the *Human Rights Act* of British Columbia and other antidiscrimination legislation, as well as through public education programs by the Council of Human Rights to heighten awareness of the importance of racial tolerance.

37. On March 21, 1989, the Minister of Labour and Consumer Services made a public announcement reaffirming the Province's commitment to increased racial understanding and acceptance.

**Article 2**

Paragraphs 75-77: Aboriginal issues

38. The Government of British Columbia has recently established a Ministry of Native Affairs. This Ministry has the following goals: forming good working relationships between Native people and the provincial government, encouraging Native economic development, negotiating with Indian bands seeking self-government, and solving problems between Native people and the provincial government. Among the programs of the Ministry, the First Citizens' Fund provides grants and loans to Native people for social, educational or business purposes. In the current fiscal year, \$1 million is available for business loans which are 50 percent repayable. Another program, funded through the Ministry of Labour and Consumer Services, is an Off-Reserve Community Action and Awareness Program to curb alcohol and drug abuse among Native people. The Government has also announced a First Peoples' Heritage, Culture and Language Centre, which is currently being planned by an advisory committee.

39. The Ministry of Education has an Indian Education Advisory Committee which is developing a long-term plan for Indian education which will ensure that Native children retain and preserve their linguistic and cultural heritage.

40. Another area of review was included in a recent report of a provincial Justice Review Committee which recommended a number of changes to make justice more accessible to Native people. An interministry Steering Committee on Native Justice Issues has been established and is undertaking 22 consultations with Native groups throughout the province to improve the delivery of justice services.

### Multicultural policing

41. The Ministry of the Solicitor General has a provincial Committee on Police and Minority Relations which was established in 1986. This committee is made up of police representatives as well as members of visible minority groups. The committee has two goals: i) to improve relations between police and visible minorities in order to increase community responsiveness and police effectiveness; ii) to reduce the level of youth involvement in ethnic gang-related crime.

### **Article 7**

#### Paragraph 81: Human rights curriculum

42. In September 1989, the British Columbia Council of Human Rights published a Human Rights Curriculum Unit for use in the province's grade 11 social studies and grade 12 law curricula. The unit encourages students to critically assess their own biases and recognize the importance of treating persons as individuals rather than stereotyping them. The unit also focuses on various types of discrimination and includes information on the British Columbia *Human Rights Act*. The unit, which consists of a teacher's manual and student handbooks, is self-contained and provides teachers with case studies on discrimination. It has been extensively reviewed and field tested throughout the province with positive results.

### **MANITOBA**

### **Article 2**

#### Paragraph 91

43. The Employment Counselling and Support Services Branch provides a wide range of services to visible minorities and other affirmative action target group members. Four hundred persons attended group workshops and over nine hundred received individual counselling to assist them to obtain employment in the civil service.

44. The Development and Training Branch offers special educational programs for government personnel on cross-cultural issues and other topics in support of affirmative action.

#### Paragraphs 92-93

45. In 1989, the Government doubled the funding for Program Recognition and the Newcomer Services Support Program, two programs which assist immigrants in obtaining employment opportunities and settlement services.

### **Article 5**

46. The Government of Manitoba established the Aboriginal Justice Inquiry in response to allegations that the Aboriginal population faces prejudice and/or misunderstanding in its dealings with law enforcement agencies and the civil and criminal courts. The Inquiry, funded by Government, has a broad mandate to investigate all aspects of the justice system

as they relate to Aboriginal peoples. The Inquiry has held public hearings and received briefs.

47. Legal Aid Manitoba has introduced a project using paralegals to increase access to the justice system for Native people in four remote northern communities.

## Article 6

### Paragraph 88

48. Following are the statistics on complaints of violations of human rights legislation in Manitoba during the two years covered in this report. In 1987, 18 percent of complaints (79 in all) were based on race or colour, while in 1988, 16 percent of complaints (49 in all) had that basis. Nationality and ethnic or national origin were the basis of 16 percent of complaints (71 in all) in 1987, and of 6 percent of complaints (18 in all) in 1988.

49. Finally, new legislation was proclaimed on October 1, 1988: the *Discriminatory Business Practices Act*, which seeks to prevent discrimination in secondary or tertiary boycotts (for example, to refuse to engage in business with a second person) in business practices, based on, among other factors, ethnic or racial origin. More details will be given in the next report.

## Article 7

### Paragraph 94

50. The Winnipeg Number One School Division, the largest in the province, implemented during the period of this report a Task Force on Race Relations as it relates to schools and schooling in the Division. The Task Force's report, which includes recommendations for change within the administrative and educational practices of the Division, is now being considered.

### Paragraph 98

51. A human rights journalism award, co-sponsored with the Winnipeg Press Club, Ltd., was awarded in its first two years for television and newspaper stories related to Aboriginal human rights issues. In the second year, 1988, the *Winnipeg Free Press* won the award for a special supplement, "*Indians: Strangers in their own land*".

## NEWFOUNDLAND

52. This submission will update to September 1989 the information contained in previous reports.

## Article 2

53. In 1988, *The Newfoundland Human Rights Code*, R.S.N. 1970, c. 262, was replaced with *The Human Rights Code*, 1988, S.N. 1988, c. 62. The legislation continues to offer protection against discrimination on the basis of race, colour or ethnic, national or social origin.

54. The Human Rights Commission has received very few complaints alleging discrimination on the basis of race. One complaint was filed in 1987, and one in 1988. Both were dismissed because the Commission did not find reasonable cause to believe discrimination had occurred.

#### Native people

55. In 1987, the Government of Newfoundland and Labrador announced a land claims policy to address the claims of Native peoples who can demonstrate Aboriginal use and occupancy of land and renewable resources. The provincial and federal governments are currently engaged in tripartite land claims negotiations with the Inuit of Northern Labrador. Further, in order to address concerns with respect to ensuring the development and protection of Native people, the federal and provincial governments have entered into formal funding agreements to augment programs and services in Labrador Native communities.

56. In order to increase the number of Native persons qualified as teachers, Memorial University of Newfoundland offers a two-year diploma course which qualifies graduates to teach in the province. Funding is provided under the federal-provincial Native Peoples Agreement. Some of the courses are taught on the Labrador Coast in order to make it more accessible to members of the Native community.

57. The population of Native persons in the province should be revised from 2,500 (eighth report) to approximately 6,000. It appears that the large increase in a short time is related to reliance for statistical purposes on self-identification as Native persons.

#### **Article 7**

58. In 1987, six school boards conducted a pilot project in Grades 4 and 6 to test a curriculum unit on the topic of human rights. As a result of the pilot project, human rights topics, including discrimination on the basis of race, are being incorporated into a new text being developed for use in the Grade 6 social studies program.

59. Human rights concepts are currently incorporated into the social studies course taught in Grade 7. The course involves a study of various cultural groups, and issues such as prejudice and the rights of minority groups are considered. These issues are expanded upon in Grade 8.

60. At the senior high school level, four courses deal with human rights issues. At Level I (Grade 10) the "Canadian Issues" course includes a unit on human rights in Canada. While the focus is on the current situation in Canada, consideration is also given to human rights in other parts of the world. At Level II (Grade 11) human rights issues are incorporated into both the "Democracy" and the "Canadian Law" courses. The focus is on the Universal Declaration of Human Rights with particular emphasis on its application in Canada. At Level III (Grade 12), the "World Problems" and "World History" courses deal with current events. Human Rights issues comprise an integral part of these courses.

## NOVA SCOTIA

### General

61. In March 1989, the Premier of Nova Scotia made a proclamation on the International Day for the Elimination of Racial Discrimination during a ceremony organized by the Human Rights Commission in the presence of representatives from all sources of the province. (Attached is a copy of the Proclamation.) Likewise, the Mayors of Halifax, Dartmouth and Bedford also proclaimed March 21 as the International Day for the Elimination of Racial Discrimination.

62. The *Multiculturalism Act* was passed in June 1989. Its purpose is to promote multiculturalism in Nova Scotia by encouraging "a multicultural society as a mosaic of different ethnic groups and cultures" who will live in harmony with one another.

63. The Multicultural Council of Nova Scotia sponsored two conferences in the spring and fall of 1989 to examine the multicultural realities and needs of Atlantic Canada.

#### Paragraph 102

64. From April 1, 1988 to March 31, 1989, 66 complaints of discrimination based on race, colour, or ethnic or national origin were investigated by the Nova Scotia Human Rights Commission, that is 41.8 percent of all complaints received by the Commission.

### Article 2

#### Paragraph 105

65. The Royal Commission of Inquiry investigating Donald Marshall Jr.'s wrongful conviction for murder and the criminal justice system in Nova Scotia is expected to produce its report in January 1990.

#### Paragraph 106

66. The Metropolitan Immigrant Settlement Association continues to carry out its orientation and assistance programmes for all immigrants. In addition, it has a job re-entry programme for immigrant women providing basic language and job training, including job search skills.

### Article 7

#### Paragraph 107

67. The Department of Education continues its works in co-operation with other government departments and ethnocultural groups in many areas, e.g. Joint Human Rights and Education Committee, multicultural services and teacher training. Its programmes include the Education Incentive Fund for Black students and Micmac Language Courses and Issues. The Department has also provided financial support to enable the Black Educators Association to develop programmes for the promotion of opportunities for Nova Scotia Black students.

68. The Department of Advanced Education and Job Training has literacy facilitators to address the needs of minority groups. Staff have been hired to work with Black people and Micmac people.

Paragraph 109

69. The Maritime School of Social Work is continuing its programmes to promote cross-cultural understanding.

Paragraph 110

70. In February 1989, the Halifax County-Bedford District School Board announced the formation of four committees to promote cross-cultural understanding. The committees target four areas as crucial to successful activity within the school system: parental involvement, the curriculum, staff development and student activity.

Paragraph 111

71. From October 1988 to October 1989 the Nova Scotia Human Rights Commission organized and conducted six human rights school conferences. In addition, members of the Commission carried out numerous speaking engagements and participated in community conferences, workshops and seminars. Approximately 40,000 human rights pamphlets have been distributed. In 1988, the Commission set up displays and helped regional and university libraries do the same (12 in all) to mark the 40th anniversary of the *Universal Declaration of Human Rights*.

Paragraph 112

72. In 1988, the Public Legal Education Society of Nova Scotia produced a casebook entitled *Teaching Human Rights: A Casebook for Senior High Teachers*. Copies of this casebook have been distributed to all high schools of Nova Scotia to be used as resource materials on human rights. Copies of the casebook are also being sold across Canada.

Paragraph 113

73. Beginning in 1987 and completed in June 1989, the Department of Education field-tested the human rights teaching units developed by the Canadian Human Rights Foundation for elementary schools.

## ONTARIO

### General

Paragraph 116: Ontario Policy on Race Relations

74. As a mechanism for the co-ordinated implementation of the Ontario Policy on Race Relations, the Government of Ontario approved a proposal to require relevant ministries to develop race relations action plans on an annual basis.

75. The Ministry of the Attorney General conducted a race relations review of the policies and operations of the Ministry as provider of justice services to the public. The Ministry

has adopted corporate objectives addressing race relations priorities and is implementing other race relations initiatives including community consultation around the race relations review, extending the review to Ministry agencies, boards and commissions, race relations training for managers, and a research design to examine the issue of racism in the courts.

76. The Ministry of Community and Social Services is reviewing all policy development and program delivery approaches to ensure that they reflect the intent of the government's multicultural strategy and the Race Relations Policy.

77. In December 1988, the Ministry of the Solicitor General commissioned a Task Force on Race Relations and Policing in response to the police shooting a Black youth. The Task Force submitted its report in April 1989 and made a number of recommendations. The Government issued its response in November 1989 and announced that it planned to include mandatory employment equity provisions in the *Police Act*, to increase the emphasis on community-oriented policing, and to implement additional training for race relations and the use of force.

Paragraph 118: Task Force on Access to Professions and Trades in Ontario

78. The Task Force on Access to Professions and Trades in Ontario, appointed to examine barriers of entry into the professions and trades experienced by individuals who obtained their qualifications outside Canada, submitted its report in November 1989. The Task Force identified systemic barriers to access at many stages, and found that Ontario's occupations lack consistent methods for fairly assessing prior learning of persons trained outside the province.

79. The Ministry of Citizenship is co-ordinating the Government's response to the Task Force report.

Paragraph 121: Second Decade to Combat Racism and Racial Discrimination

80. In the context of the Second Decade, the Government of Ontario participated in activities to mark the International Day for the Elimination of Racial Discrimination on March 21, 1989. At an event held by the Urban Alliance on Race Relations, a representative of the Minister of Citizenship announced grants totalling \$100,000 for five race relations projects.

81. The Ministry of Citizenship's Race Relations Directorate provides a broad range of consultative and support services to groups and individuals wishing to address race relations issues in their respective jurisdictions. The Directorate provides seven services: policy and program development; race relations training; community liaison and development; public education; dispute resolution; employment equity; and race relations project grants.

Paragraphs 124-126

82. The Ontario Women's Directorate continues to include concerns for visible minority and immigrant women, as well as for multiculturalism, in its programming. Among other things, the Directorate, in co-operation with various provincial departments, sponsored a pilot labour adjustment project for immigrant women, a multicultural public education project on workplace rights and responsibilities, a pilot program for ethnocultural

entrepreneurs, multicultural family law seminars, and a series of informational workshops for immigrant and visible minority women. The Directorate published a practical handbook for employers on implementing employment equity initiatives for visible minority women.

Paragraph 130: Employment equity

83. Ten-year Employer Equity Corporate Goals and Timetables were developed and approved in September 1989 to ensure the composition of the Ontario Public Service better reflects the diversity of the Ontario population. Each ministry of the Ontario government will identify and work on an employment equity program for a three-year planning cycle effective for the period of 1990-1993.

84. A symposium with the theme of Managing and Valuing Diversity in the Workforce was held in June 1989 for all senior management employees. Similar workshops are being held in each ministry to assist employees to understand the diversity within their workforce as well as the diversity of the public whom they serve. Racial minorities are a key focus in these discussions.

Paragraph 133

85. In addition to multiculturalism, citizenship, race relations and human rights, the Ministry of Citizenship is responsible for provision of economic development services to Aboriginal people. The Ministry also chairs and provides support to the Cabinet Committee on Race Relations.

**Article 3**

Paragraph 137: South African Trust Investments Act

86. The *South African Trust Investments Act, 1988*, an act which allows trustees to divest trust funds of investments connected to South Africa, was proclaimed into force on December 15, 1988.

**Article 4**

87. The Ministry of Citizenship provides advice and assistance in the amelioration of tensions caused by hate literature and propaganda. For example, the ministry played a co-ordinating role in response to instances of hate propaganda which emerged in the summer of 1989, assisting Government, institutions and the community to respond appropriately and to develop mechanisms to deter future hate activities.

88. In 1990, the Ontario Human Rights Commission will release its new guidelines regarding racial slurs, jokes, and harassment, which will set out the Commission's interpretation of the *Human Rights Code* to this form of discrimination.

**Article 6**

89. The Ontario *Human Rights Code, 1981*, prohibits discrimination in the areas of services, goods and facilities, accommodation, and employment, on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, or creed, among other things.

## QUÉBEC

90. This report sets out the measures taken by Québec to implement the Convention between July 1987 and September 1989.

### General

91. To update the information on the immigration situation in Québec, provided in paragraphs 159 and 160 of the ninth report, here are some new data: a total of 26,822 immigrants were admitted to Québec in 1987, 46 percent from Asia, 12 percent from the West Indies, 11 percent from Latin America and 10 percent from Africa. In 1988, there were 25,420 immigrants. Of these, 48 percent came from Asia, 11 percent from Africa, 9.7 percent from the West Indies and 7.7 percent from Latin America.

92. In fulfilling its mandate, the Conseil des Communautés culturelles et de l'Immigration (see paragraph 158 of the ninth report) issued a number of formal opinions in 1987 and 1988, one of which dealt with immigration levels in Québec. It proposed that the 1987 immigration level be raised to 20,000 permanent residents and that this figure be increased by 20 percent in the subsequent two years.

93. In addition, during 1987-1988, the Conseil presented formal opinions concerning affirmative action programs, including one recommending that the action plan for the affirmative action employment program for women include a provision to ensure representation of women from cultural communities, and one on affirmative action programs for cultural communities, especially visible minorities and groups from Southern Europe.

94. In this regard, the Conseil pointed out that the members of cultural communities are still vastly underrepresented in the Québec civil service. According to data from the Office des ressources humaines, which include members of the Anglophone community, members of cultural communities constituted then 4.3 percent of the entire workforce of the civil service - that is, 2,344 out of 54,386 - although they made up some 18 percent of the total population. Underrepresentation of visible minorities and groups from Southern Europe is particularly evident.

## Article 2

### A. Examination of law and regulations

95. *An Act respecting police organization and amending the Police Act and various legislation* was assented to on December 23, 1988. Among other things, it makes provisions for a Code of ethics applicable to all police officers in Québec, a police ethics commissioner to receive and examine complaints, ethics committees, a predominant role for civilians in handling complaints within regional structures, training mechanisms for police officers, and an ethics tribunal (Tribunal de la déontologie policière) to serve as an appeal tribunal.

### B. Special measures to ensure the development and protection of certain groups

96. On September 23, 1987, the Government of Québec adopted the principle of contractual obligation, requiring companies, associations and organizations that submit

tenders to supply goods or services or that apply for government subsidies to establish affirmative action programs for women, visible minorities and Native people (see paragraph 163 of the ninth report).

97. The penalty for companies that do not meet their commitment is the loss of their certification and ineligibility to tender for future contracts.

98. Implementation of this contractual obligation has occurred gradually. The measures relating to service contracts came into force on November 17, 1988, while those pertaining to subsidies and goods contracts went into effect on April 6 and 21, 1989. The human rights commission advises departments on these questions and ensures that the companies meet their commitments.

99. An advisory committee on the accessibility of health and social services to cultural communities was established in June 1986 on the initiative of the Minister of Health and Social Services. Chaired by a member of the National Assembly, this Committee released its report in November 1987. It recommends, among other things, that the Department ensure that institutions have adequate means to communicate in the language and understand the culture of cultural communities, and that cultural communities be represented on their boards.

100. Financial assistance measures to facilitate the reception and settling of immigrants in Québec and their adaptation to Québec life were continued in 1987, 1988 and 1989 (see paragraphs 164 to 171 of the ninth report). Annual budgets of \$2,645,500, \$3,117,561 and \$3,649,500 respectively were allocated for the following activities in particular: reception and adaptation of immigrants; assistance for the francization of immigrants; activities to support the original cultures of immigrants, including assistance for the cultural communities media; activities to bring people together, including assistance for intercultural activities and organizations that bring various communities together; and, assistance for women's organizations.

101. Following the Declaration by the Government of Québec on Ethnic and Race Relations of December 10, 1986, and inspired by the latter, the Municipal Administration of Montréal published on March 21, 1989 an important document entitled Montréal Declaration Against Racial Discrimination (copy attached). Through this Declaration, the Municipal Administration is committed, in particular, to opposing all forms of racial discrimination and to promoting full access and participation for all its citizens, regardless of their race, colour, religion and ethnic or national origin, in all spheres of municipal life.

### **C. Information on the practices and decisions of the courts and other judicial and administrative organs relating to cases of racial discrimination**

102. Following the death of a member of a Montréal cultural community involving a police officer from that city, the Québec government ordered an inquiry into relations between police forces and visible and ethnic minorities. The inquiry was carried out by the human rights commission which released the results in November 1988. It dealt particularly with allegations of discriminatory treatment and racist behaviour toward visible and ethnic minorities in the police forces. The 71 recommendations made in the report ask the Québec government to correct situations and practices which have discriminatory effects and to

establish measures to encourage the development of harmonious relations between police forces and the Montréal population based on respect for human rights.

103. Out of a total of 1,402 files opened at the human rights commission in 1987 and 1988, complaints alleging discrimination on the basis of race, colour and ethnic or national origin constituted 10 percent and 12 percent of this figure.

104. With regard to court decisions, in the case of a Quebecker of Haitian origin, the human rights commission brought a charge of racial discrimination against the Communauté urbaine de Montréal and nine of its police officers. The Superior Court granted moral damages for racist language, but dismissed, as did the Court of Appeal, the commission's claims that race played a role in the assault on this individual. The Supreme Court did not find sufficient cause to authorize the commission to appeal the judgement before that tribunal.

## **Article 7**

### **A. Education and teaching**

105. The human rights commission published, in February 1988, *Sharing a Better Life Together Through Human Rights*, a new guide to the Québec *Charter of Human Rights and Freedoms* for young people in the school system. This book will be the basic reference tool for the human rights education program.

106. In November 1987, the first national colloquium of the Québec Association for Intercultural Education took place in Montréal. The theme was "Québec schools say YES to intercultural education"; the colloquium was aimed primarily at teaching staff.

107. A crucial aspect of the intercultural issue is teacher training and some of the initiatives in this area should be mentioned: an intercultural education program, leading to a certificate, given since the winter 1988 at the University of Québec at Montréal; and, a training program in intercultural education research, offered at the University of Sherbrooke.

### **B. Culture**

108. In 1987 and 1988, the Conseil des Communautés culturelles et de l'Immigration awarded its prize, worth \$15,000, to three members of as many cultural communities for their exceptional contribution to the rapprochement of their community to the Québec francophone community.

### **C. Information**

109. As a result of the formal opinion presented by the Conseil des Communautés culturelles et de l'Immigration in January 1987, concerning cultural communities and communications (see paragraph 185 of the ninth report), the Minister entrusted the Conseil with a mandate to study the problem of financing the cultural communities media.

110. Among the measures taken by the Department of Cultural Communities and Immigration in this area was the allocation of a total of \$227,000 for 1987, 1988 and 1989 under the program to assist the cultural communities media.

## SASKATCHEWAN

111. Saskatchewan's submission to Canada's Tenth Report under the Convention will update to November 1988 the information contained in the eighth and ninth reports.

### 2(a) Multicultural Policy and Programs

112. A Task Force on Multiculturalism was appointed by the Saskatchewan Government in July 1988 to review all aspects of multiculturalism in Saskatchewan, including the related topics of immigration and settlement. The Task Force held public hearings throughout the province and released its report in September 1989. The Report contains 67 recommendations relating to such areas as education, heritage languages, racism and discrimination, Aboriginal concerns, immigration, employment, media, and facilities.

113. More details of the Report itself and follow-up will be included in Saskatchewan's next report.

### 2(b) Language

114. Under the Heritage Languages Program, Saskatchewan Education designs and delivers German and Ukrainian language programs. Other heritage languages for consideration under this program are being explored. In 1988-89, a Heritage Languages Unit was established within the Curriculum and Instruction Division. A consultant was hired to provide educational support to school divisions and community programs.

### 2(c)(iv) Education

115. The Department of Education has developed a Indian and Métis Policy from kindergarten to grade 12. This major policy document provides a comprehensive framework for the educational development of Indian and Métis children in provincial schools and provides guidelines for the development and delivery of all programs to schools and post-secondary institutions.

116. Courses in Native studies at the secondary school level are being piloted in selected locations throughout the province. To ensure incorporation of Native content into other areas of core curriculum, the Department has engaged curriculum support staff to work with curriculum developers in language arts, social studies, arts, education, health and science.

117. Saskatchewan Education has initiated a Community Schools Program, which provides funding and specialized programs to 17 inner-city schools with high Indian and Métis enrollments. The objective of the program is to improve Indian and Métis student achievement by facilitating community involvement in educational planning and programs. Evaluation of this program has demonstrated improved student retention and attendance.

118. With respect to post-secondary education, increased emphasis has been placed on involving people of Native ancestry in decision-making related to publicly funded vocational and technical training institutions. A Native Services Division was created in 1988, designed to enhance program delivery and student participation in the province's technical institutes. The Division has responsibility to seek out and involve Aboriginal groups across the province in the decision-making process.

2(c)(ix) Health

119. \$1.5 million in annual funding is provided by the Saskatchewan Alcohol and Drug Abuse Commission to the Saskatchewan Native Addiction Council Corporation to provide in-patient, out-patient and educational services to Indian and Métis people experiencing drug abuse problems. Fourteen northern communities receive \$180,000 to employ Indian and Métis community health workers to assist health care practitioners in providing medical, public health and counselling services to Aboriginal communities. The Regina General Hospital receives annual funding of \$103,000 to employ three Native staff for the Indian and Native Children Liaison program which provides liaison, educational and cultural interpretive services for Indian and Métis children who use hospital services.

2(c)(x) Human Justice

120. As of March 20, 1989, 9 percent of the employees in the Corrections Division of the Department of Justice were of Native ancestry. Recruitment of qualified Native personnel will continue to be an area given special attention. Corrections Division has, with the support of the community, developed or facilitated programs specifically for inmates of Indian ancestry and for staff to promote and maintain Native cultural awareness.



## ANNEX 1



# PROCLAMATION

## THE INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION MARCH 21

WHEREAS the Government of Nova Scotia has a longstanding commitment to the development of a society in which all persons regardless of race, colour, national and ethnic origin, religion or creed, sex, age or disability could work and live in peace, harmony and mutual respect;

WHEREAS all residents of Nova Scotia have the right to equal treatment, opportunity, respect and understanding;

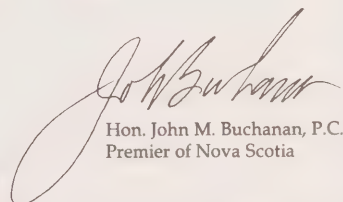
WHEREAS the elimination of racism and racial discrimination is essential in the promotion of equality for all Nova Scotians;

WHEREAS the General Assembly of the United Nations has designated March 21st as the International Day for the Elimination of Racial Discrimination;

WHEREAS the Government of Nova Scotia had made a proclamation recognizing the United Nations' Second Decade for Action to Combat Racism and Racial Discrimination;

NOW, THEREFORE, I, John M. Buchanan, P.C., Q.C., Premier of Nova Scotia, do hereby proclaim March 21st as the International Day for the Elimination of Racial Discrimination; and urge all Nova Scotians to make it their moral and social responsibility to eliminate all forms of racism and racial discrimination in their dealings with one another;

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Province of Nova Scotia to be affixed at Halifax on this *Twenty-first* day of *March*, 1989.

  
Hon. John M. Buchanan, P.C., Q.C.  
Premier of Nova Scotia





## ANNEX 2 Montréal Declaration Against Racial Discrimination

The Municipal Administration recognizes the importance of the multiracial and multi-ethnic character of Montréal.

Whereas The Universal Declaration of Human Rights and the International Conventions on Human Rights establish the principles of non-discrimination and equality;

Acknowledging that Canada is a signatory of the International Conventions on the Elimination of Racial Discrimination and in March, 1986 proclaimed the Second Decade for Action to Combat Racism and Racial Discrimination;

Considering that the Québec Charter of Human Rights and Freedoms guarantees all persons full recognition and exercise of their rights and liberties;

Recognizing that the Government of Québec, in adopting the Declaration on Ethnic and Racial Relations in December, 1986, upholds these principles and condemns all forms of racism and racial discrimination;

Considering that the General Assembly of the United Nations has proclaimed March 21 the International Day for the Elimination of Racial Discrimination;

Determined to encourage all Montrealers to adopt an attitude of respect for human dignity and rights,

the Municipal Administration is committed:

- To take all necessary measures to combat discrimination based on race, colour, religion and ethnic or national origin to promote harmonious interracial and intercultural relations in an atmosphere of mutual respect and understanding.
- To respect and demand respect for the principles found in the Québec Charter of Human Rights and Freedoms in all municipal departments and paramunicipal organizations.
- To recognize and mark March 21 as the International Day for the Elimination of Racial Discrimination.

This day will be an annual opportunity to denounce racism and sensitize all Montrealers to the different manifestations of racial discrimination.

Through this Declaration, the Municipal Administration is committed to opposing all forms of racial discrimination and to promoting full access and participation for all its citizens, regardless of their race, colour, religion and ethnic or national origin, in all spheres of municipal life.

Moreover, the Municipal Administration asks all Montrealers to join its efforts to ensure respect for human dignity and rights.

Signed in Montréal, this twenty-first of March, nineteen-hundred and eighty-nine.

Jean Doré  
maire de Montréal

Michael Faïnat  
président du Comité exécutif

Robert Perreault  
vice-président du Comité exécutif

Jacqueline Bordeleau  
membre du Comité exécutif

Léa Cousineau  
membre du Comité exécutif

John Gardiner  
membre du Comité exécutif

Kathleen Verdon  
membre du Comité exécutif

### ANNEX 3: LIST OF DOCUMENTS SUBMITTED WITH THE REPORT

1. *The Law Society of B.C. et al. v. Andrews et al.* - Judgement of the Supreme Court of Canada
2. Report on the observance of Human Rights Day, December 10, 1988
3. *Canadian Multiculturalism Act*
4. Alberta Report on Policing in a Multicultural Society
5. Alberta's Report on the Teaching of Human Rights
6. *Discriminatory Business Practices Act* - Manitoba
7. *The Human Rights Code, 1988* - Newfoundland
8. *Multiculturalism Act* - Nova Scotia
9. *South African Trust Investments Act, 1988* - Ontario

## ANNEX 4: Text of the Convention

### International Convention on the Elimination of All Forms of Racial Discrimination

Adopted and opened for signature and ratification by General Assembly  
resolution 2106 A (XX) of 21 December 1965

ENTRY INTO FORCE: 4 January 1969, in accordance with article 19.

*The States Parties to this Convention,*

*Considering* that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

*Considering* that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

*Considering* that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

*Considering* that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

*Considering* that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

*Convinced* that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

*Reaffirming* that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

*Convinced* that the existence of racial barriers is repugnant to the ideals of any human society,

*Alarmed* by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation,

*Resolved* to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

*Bearing in mind* the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

*Desiring* to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

*Have agreed* as follows:

#### PART I

##### Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

## Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

## Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

## Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as

all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

## Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the rights to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(iii) The right to nationality;

(iv) The right to marriage and choice of spouse;

(v) The right to own property alone as well as in association with others;

(vi) The right to inherit;

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii) The right to form and join trade unions;

(iii) The right to housing;

(iv) The right to public health, medical care, social security and social services;

- (v) The right to education and training;
- (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

#### *Article 6*

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

#### *Article 7*

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

### **PART II**

#### *Article 8*

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters.

At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

#### *Article 9*

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

#### *Article 10*

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

#### *Article 11*

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

#### Article 12

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention.

(b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

#### Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

#### Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.

(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

#### *Article 15*

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies.

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or

other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

#### *Article 16*

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

### **PART III**

#### *Article 17*

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### *Article 18*

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### *Article 19*

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

#### *Article 20*

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

#### *Article 21*

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

#### *Article 22*

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

#### *Article 23*

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

#### *Article 24*

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

(a) Signatures, ratifications and accessions under articles 17 and 18;

(b) The date of entry into force of this Convention under article 19;

(c) Communications and declarations received under articles 14, 20 and 23;

(d) Denunciations under article 21.

#### *Article 25*

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.





de l'Organisation des Nations Unies. La dénonciation portera effet un an après la date à laquelle le Secrétaire général en aura reçu notification.

#### Article 22

Tout différend entre deux ou plusieurs Etats parties touchant l'interprétation ou l'application de la présente Convention qui n'aura pas été réglé par voie de négociation ou au moyen des procédures expressément prévues par ladite Convention sera porté, à la requête de toute partie au différend, devant la Cour internationale de Justice pour qu'elle statue à son sujet, à moins que les parties au différend ne conviennent d'un autre mode de règlement.

#### Article 23

1. Tout Etat partie peut formuler à tout moment une demande de révision de la présente Convention par voie de notification écrite adressée au Secrétaire général de l'Organisation des Nations Unies.

2. L'Assemblée générale de l'Organisation des Nations Unies statuera sur les mesures à prendre, le cas échéant, au sujet de cette demande.

#### Article 24

Le Secrétaire général de l'Organisation des Nations Unies informera tous les Etats visés au paragraphe 1 de l'article 17 de la présente Convention :

a) Des signatures apposées à la présente Convention et des instruments de ratification et d'adhésion déposés conformément aux articles 17 et 18 ;

b) De la date à laquelle la présente Convention entrera en vigueur conformément à l'article 19 ;

c) Des communications et déclarations reçues conformément aux articles 14, 20 et 23 ;

d) Des dénonciations notifiées conformément à l'article 21.

#### Article 25

1. La présente Convention, dont les textes anglais, chinois, espagnol, français et russe font également foi, sera déposée aux archives de l'Organisation des Nations Unies.

2. Le Secrétaire général de l'Organisation des Nations Unies fera tenir une copie certifiée conforme de la présente Convention à tous les Etats appartenant à l'une quelconque des catégories mentionnées au paragraphe 1 de l'article 17 de la Convention.

1. La présente Convention est ouverte à la signature de tout Etat Membre de l'Organisation des Nations Unies ou membre de l'une quelconque de ses institutions spécialisées, de tout Etat partie au Statut de la Cour internationale de Justice, ainsi que de tout autre Etat invité par l'Assemblée générale de l'Organisation des Nations Unies à devenir partie à la présente Convention.

2. La présente Convention est soumise à ratification et les instruments de ratification seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

#### Article 18

1. La présente Convention sera ouverte à l'adhésion de tout Etat visé au paragraphe 1 de l'article 17 de la Convention.

2. L'adhésion se fera par le dépôt d'un instrument d'adhésion auprès du Secrétaire général de l'Organisation des Nations Unies.

#### Article 19

1. La présente Convention entrera en vigueur le trentième jour qui suivra la date du dépôt auprès du Secrétaire général de l'Organisation des Nations Unies du vingt-septième instrument de ratification ou d'adhésion.

2. Pour chacun des Etats qui ratifieront la présente Convention ou y adhéreront après le dépôt du vingt-septième instrument de ratification ou d'adhésion, ladite Convention entrera en vigueur le trentième jour après la date du dépôt par cet Etat de son instrument de ratification ou d'adhésion.

#### Article 20

1. Le Secrétaire général de l'Organisation des Nations Unies recevra et communiquera à tous les Etats qui sont ou qui peuvent devenir parties à la présente Convention le texte des réserves qui auront été faites au moment de la ratification ou de l'adhésion. Tout Etat qui élève des objections contre la réserve avisera le Secrétaire général, dans un délai de quatre-vingt-dix jours à compter de la date de ladite communication, qu'il n'accepte pas ladite réserve.

2. Aucune réserve incompatible avec l'objet et le but de la présente Convention ne sera autorisée non plus qu'aucune réserve qui aurait pour effet de paralyser le fonctionnement de l'un quelconque des organes créés par la Convention. Une réserve sera considérée comme rentrant dans les catégories définies ci-dessus si les deux tiers au moins des Etats parties à la Convention élèvent des objections.

3. Les réserves peuvent être retirées à tout moment par voie de notification adressée au Secrétaire général. La notification prendra effet à la date de réception.

#### Article 21

Tout Etat partie peut dénoncer la présente Convention par voie de notification adressée au Secrétaire général

rations faites conformément au paragraphe 1 du présent article.

#### Article 15

1. En attendant la réalisation des objectifs de la Déclaration sur l'octroi de l'indépendance aux pays et aux peuples coloniaux, contenue dans la résolution 1514 (XV) de l'Assemblée générale de l'Organisation des Nations Unies, en date du 14 décembre 1960, les dispositions de la présente Convention ne restreignent en rien le droit de pétition accordé à ces peuples par d'autres instruments internationaux ou par l'Organisation des Nations Unies ou ses institutions spécialisées.

2. a) Le Comité constitué conformément au paragraphe 1 de l'article 8 de la présente Convention reçoit copie des pétitions venant des organes de l'Organisation des Nations Unies qui s'occupent de questions ayant un rapport direct avec les principes et les objectifs de la présente Convention, et exprime une opinion et fait des recommandations au sujet des pétitions reçues lors de l'examen des pétitions émanant des habitants de territoires sous tutelle ou non autonomes ou de tout autre territoire auquel s'applique la résolution 1514 (XV) de l'Assemblée générale, et ayant trait à des questions visées par la présente Convention, dont sont saisis lesdits organes.

b) Le Comité reçoit des organes compétents de l'Organisation des Nations Unies copie des rapports concernant les mesures d'ordre législatif, judiciaire, administratif ou autre intéressant directement les principes et objectifs de la présente Convention que les puissances administrantes ont appliquées dans les territoires mentionnés à l'alinéa a du présent paragraphe et exprime des avis et fait des recommandations à ces organes.

3. Le Comité inclut dans ses rapports à l'Assemblée générale un résumé des pétitions et des rapports qu'il a reçus d'organes de l'Organisation des Nations Unies, ainsi que les expressions d'opinion et les recommandations qu'ont appelées de sa part lesdites pétitions et rapports.

4. Le Comité prie le Secrétaire général de l'Organisation des Nations Unies de lui fournir tous renseignements ayant trait aux objectifs de la présente Convention, dont celui-ci dispose au sujet des territoires mentionnés à l'alinéa a du paragraphe 2 du présent article.

#### Article 16

Les dispositions de la présente Convention concernant les mesures à prendre pour régler un différend ou liquider une plainte s'appliquent sans préjudice des autres procédures de règlement des différends ou de liquidation des plaintes en matière de discrimination prévues dans des instruments constitutifs de l'Organisation des Nations Unies et de ses institutions spécialisées ou dans des conventions adoptées par ces organisations, et n'empêchent pas les Etats parties de recourir à d'autres procédures pour le règlement d'un différend conformément aux accords internationaux généraux ou spéciaux qui les lient.

juridique national, qui aura compétence pour recevoir et examiner les pétitions émanant de personnes ou de groupes de personnes relevant de la juridiction dudit Etat qui se plaignent d'être victimes d'une violation de l'un quelconque des droits énoncés dans la présente Convention et qui ont épuisé les autres recours locaux disponibles.

3. La déclaration faite conformément au paragraphe 1 du présent article et le nom de tout organisme créé ou désigné conformément au paragraphe 2 du présent article sont déposés par l'Etat partie intéressé auprès du Secrétaire général de l'Organisation des Nations Unies, qui en communique copie aux autres Etats parties. La déclaration peut être retirée à tout moment au moyen d'une notification adressée au Secrétaire général, mais ce retrait n'affecte pas les communications dont le Comité est déjà saisi.

4. L'organisme créé ou désigné conformément au paragraphe 2 du présent article devra tenir un registre des pétitions et des copies certifiées conformes du registre seront déposées chaque année auprès du Secrétaire général par les voies appropriées, étant entendu que le contenu desdites copies ne sera pas divulgué au public.

5. S'il n'obtient pas satisfaction de l'organisme créé ou désigné conformément au paragraphe 2 du présent article, le pétitionnaire a le droit d'adresser, dans les six mois, une communication à cet effet au Comité.

6. a) Le Comité porte, à titre confidentiel, toute communication qui lui est adressée à l'attention de l'Etat partie qui a prétendument violé l'une quelconque des dispositions de la Convention, mais l'identité de la personne ou des groupes de personnes intéressés ne peut être révélée sans le consentement exprès de ladite personne ou desdits groupes de personnes. Le Comité ne reçoit pas de communications anonymes.

b) Dans les trois mois qui suivent, ledit Etat soumet par écrit au Comité des explications ou déclarations éclaircissant la question et indiquant, le cas échéant, les mesures qu'il pourrait avoir prises pour remédier à la situation.

7. a) Le Comité examine les communications en tenant compte de toutes les informations qui lui sont soumises par l'Etat partie intéressé et par le pétitionnaire. Le Comité n'examinera aucune communication d'un pétitionnaire sans s'être assuré que celui-ci a épuisé tous les recours internes disponibles. Toutefois, cette règle ne s'applique pas si les procédures de recours excèdent des délais raisonnables.

b) Le Comité adresse ses suggestions et recommandations éventuelles à l'Etat partie intéressé et au pétitionnaire.

8. Le Comité inclut dans son rapport annuel un résumé de ces communications et, le cas échéant, un résumé des explications et déclarations des Etats parties intéressés ainsi que de ses propres suggestions et recommandations.

9. Le Comité n'a compétence pour s'acquitter des fonctions prévues au présent article que si au moins dix Etats parties à la Convention sont liés par des décla-

#### Article 10

1. Le Comité adopte son règlement intérieur.

2. Le Comité élit sur bureau pour une période de deux ans.

3. Le Secrétaire général de l'Organisation des Nations Unies assure le secrétariat du Comité.

4. Le Comité tient normalement ses réunions au Siège de l'Organisation des Nations Unies.

#### Article 11

1. Si un Etat partie estime qu'un autre Etat égale-

ment partie n'applique pas les dispositions de la présente Convention, il peut appeler l'attention du Comité sur la question. Le Comité transmet alors la communication à l'Etat partie intéressé. Dans un délai de trois mois, l'Etat destinataire soumet au Comité des explications ou déclarations écrites éclaircissant la question et indiquant, le cas échéant, les mesures qui peuvent avoir été prises par ledit Etat pour remédier à la situation.

2. Si, dans un délai de six mois à compter de la date de réception de la communication originale par l'Etat destinataire, la question n'est pas réglée à la satisfaction des deux Etats, par voie de négociations bilatérales ou par toute autre procédure qui serait à leur disposition, l'un comme l'autre auront le droit de la soumettre à nouveau au Comité en adressant une notification au Comité ainsi qu'à l'autre Etat intéressé.

3. Le Comité ne peut connaître d'une affaire qui lui est soumise conformément au paragraphe 2 du présent article qu'après s'être assuré que tous les recours internes disponibles ont été utilisés ou épuisés, conformément aux principes de droit international généralement reconnus. Cette règle ne s'applique pas si les procédures de recours excèdent des délais raisonnables.

4. Dans toute affaire qui lui est soumise, le Comité peut demander aux Etats parties en présence de lui fournir tout renseignement complémentaire pertinent.

5. Lorsque le Comité examine une question en application du présent article, les Etats parties intéressés ont le droit de désigner un représentant qui participera sans droit de vote aux travaux du Comité pendant toute la durée des débats.

#### Article 12

1. a) Une fois que le Comité a obtenu et dépouillé tous les renseignements qu'il juge nécessaires, le Président désigne une Commission de conciliation *ad hoc* (ci-après dénommée la Commission) composée de cinq personnes qui peuvent ou non être membres du Comité. Les membres en sont désignés avec l'assentiment entier et unanime des parties au différend et la Commission met ses bons offices à la disposition des Etats intéressés, afin de parvenir à une solution amiable de la question, fondée sur le respect de la présente Convention.

b) Si les Etats parties au différend ne parviennent pas à une entente sur tout ou partie de la composition de la Commission dans un délai de trois mois, les membres de la Commission qui n'ont pas l'assentiment des Etats parties au différend sont élus au scrutin secret parmi les membres du Comité, à la majorité des deux tiers des membres du Comité.

2. Les membres de la Commission siègent à titre individuel. Ils ne doivent pas être ressortissants de l'un des Etats parties au différend ni d'un Etat qui n'est pas partie à la présente Convention.

3. La Commission élit son Président et adopte son règlement intérieur.

4. La Commission tient normalement ses réunions au Siège de l'Organisation des Nations Unies ou en tout autre lieu approprié que déterminera la Commission.

5. Le secrétariat prévu au paragraphe 3 de l'article 10 de la présente Convention prête également ses services à la Commission chaque fois qu'un différend entre des Etats parties entraîne la constitution de la Commission. 6. Toutes les dépenses des membres de la Commission sont réparties également entre les Etats parties au différend, sur la base d'un état estimatif établi par le Secrétaire général de l'Organisation des Nations Unies. 7. Le Secrétaire général sera habilité, si besoin est, à défrayer les membres de la Commission de leurs dépenses, avant que le remboursement en ait été effectué par les Etats parties au différend conformément au paragraphe 6 du présent article.

8. Les renseignements obtenus et dépouillés par le Comité sont mis à la disposition de la Commission, et la Commission peut demander aux Etats intéressés de lui fournir tout renseignement complémentaire pertinent.

#### Article 13

1. Après avoir étudié la question sous tous ses aspects, la Commission prépare et soumet au Président du Comité un rapport contenant ses conclusions sur toutes les questions de fait relatives au litige entre les parties et renfermant les recommandations qu'elle juge opportunes en vue de parvenir à un règlement amiable du différend.

2. Le Président du Comité transmet le rapport de la Commission à chacun des Etats parties au différend. Lesdits Etats font savoir au Président du Comité, dans un délai de trois mois, s'ils acceptent, ou non, les recommandations contenues dans le rapport de la Commission. 3. Une fois expiré le délai prévu au paragraphe 2 du présent article, le Président du Comité communique le rapport de la Commission et les déclarations des Etats parties intéressés aux autres Etats parties à la Convention.

#### Article 14

1. Tout Etat partie peut déclarer à tout moment qu'il reconnaît la compétence du Comité pour recevoir et examiner des communications émanant de personnes ou de groupes de personnes relevant de sa juridiction qui se plaignent d'être victimes d'une violation, par ledit Etat partie, de l'un quelconque des droits énoncés dans la présente Convention. Le Comité ne reçoit aucune communication intéressant un Etat partie qui n'a pas fait une telle déclaration.

2. Tout Etat partie qui fait une déclaration conformément au paragraphe 1 du présent article peut créer ou désigner un organisme dans le cadre de son ordre

- vii) Droit à la liberté de pensée, de conscience et de religion ;
- viii) Droit à la liberté d'opinion et d'expression ;
- ix) Droit à la liberté de réunion et d'association pacifiques ;
- e) Droits économiques, sociaux et culturels, notamment :

- i) Droits au travail, au libre choix de son travail, à des conditions équitables et satisfaisantes de travail, à la protection contre le chômage, à un salaire égal pour un travail égal, à une rémunération équitable et satisfaisante ;
- ii) Droit de fonder des syndicats et de s'affilier à des syndicats ;
- iii) Droit au logement ;
- iv) Droit à la santé, aux soins médicaux, à la sécurité sociale et aux services sociaux ;
- v) Droit à l'éducation et à la formation professionnelle ;
- vi) Droit de prendre part, dans des conditions d'égalité, aux activités culturelles ;

- f) Droit d'accès à tous lieux et services destinés à l'usage du public, tels que moyens de transport, hôtels, restaurants, cafés, spectacles et parcs.

#### Article 6

Les Etats parties assurent à toute personne soumise à leur juridiction une protection et une voie de recours effectives, devant les tribunaux nationaux et autres organismes d'Etat compétents, contre tous actes de discrimination raciale qui, contrairement à la présente Convention, violeraient ses droits individuels et ses libertés fondamentales, ainsi que le droit de demander à ces tribunaux satisfaction ou réparation juste et adéquate pour tout dommage dont elle pourrait être victime par suite d'une telle discrimination.

#### Article 7

Les Etats parties s'engagent à prendre des mesures immédiates et efficaces, notamment dans les domaines de l'enseignement, de l'éducation, de la culture et de l'information, pour lutter contre les préjugés conduisant à la discrimination raciale et favoriser la compréhension, la tolérance et l'amitié entre nations et groupes raciaux ou ethniques, ainsi que pour promouvoir les buts et principes de la Charte des Nations Unies, de la Déclaration universelle des droits de l'homme, de la Déclaration des Nations Unies sur l'élimination de toutes les formes de discrimination raciale et de la présente Convention.

### DEUXIÈME PARTIE

#### Article 8

1. Il est constitué un Comité pour l'élimination de la discrimination raciale (ci-après dénommé le Comité) composé de dix-huit experts connus pour leur haute moralité et leur impartialité, qui sont élus par les Etats parties parmi leurs ressortissants et qui siègent à titre individuel, compte tenu d'une répartition géographique

équitable et de la représentation des différentes formes de civilisation ainsi que des principaux systèmes juridiques.

2. Les membres du Comité sont élus au scrutin secret sur une liste de candidats désignés par les Etats parties. Chaque Etat partie peut désigner un candidat choisi parmi ses ressortissants.

3. La première élection aura lieu six mois après la date de l'entrée en vigueur de la présente Convention. Trois mois au moins avant la date de chaque élection, le Secrétaire général de l'Organisation des Nations Unies envoie une lettre aux Etats parties pour les inviter à présenter leurs candidatures dans un délai de deux mois. Le Secrétaire général dresse une liste par ordre alphabétique de tous les candidats ainsi désignés, avec indication des Etats parties présents et votants.

4. Les membres du Comité sont élus au cours d'une réunion des Etats parties convoquée par le Secrétaire général au Siège de l'Organisation des Nations Unies. A cette réunion où le quorum est constitué par les deux tiers des Etats parties, sont élus membres du Comité les candidats qui obtiennent le plus grand nombre de voix et la majorité absolue des votes des représentants des Etats parties présents et votants.

5. a) Les membres du Comité sont élus pour quatre ans. Toutefois, le mandat de neuf des membres élus lors de la première élection prendra fin au bout de deux ans ; immédiatement après la première élection, le nom de ces neuf membres sera tiré au sort par le Président du Comité ;

b) Pour remplir les vacances fortuites, l'Etat partie dont l'expert a cessé d'exercer ses fonctions de membre du Comité nommera un autre expert parmi ses ressortissants, sous réserve de l'approbation du Comité.

6. Les Etats parties prennent à leur charge les dépenses des membres du Comité pour la période où ceux-ci s'acquittent de fonctions au Comité.

#### Article 9

1. Les Etats parties s'engagent à présenter au Secrétaire général de l'Organisation des Nations Unies, pour examen par le Comité, un rapport sur les mesures d'ordre législatif, judiciaire, administratif ou autre qu'ils ont arrêtées et qui donnent effet aux dispositions de la présente Convention : a) dans un délai d'un an à compter de l'entrée en vigueur de la Convention, pour chaque Etat intéressé en ce qui le concerne et b) par la suite, tous les deux ans et, en outre, chaque fois que le Comité en fera la demande. Le Comité peut demander des renseignements complémentaires aux Etats parties.

2. Le Comité soumet chaque année à l'Assemblée générale de l'Organisation des Nations Unies, par l'intermédiaire du Secrétaire général, un rapport sur ses activités et peut faire des suggestions et des recommandations d'ordre général fondées sur l'examen des rapports et des renseignements reçus des Etats parties. Il porte ces suggestions et recommandations d'ordre général à la connaissance de l'Assemblée générale avec, le cas échéant, les observations des Etats parties.

qui peut être nécessaire pour leur garantir la jouissance et l'exercice des droits de l'homme et des libertés fondamentales dans des conditions d'égalité ne sont pas considérées comme des mesures de discrimination raciale, à condition toutefois qu'elles n'aient pas pour effet le maintien de droits distincts pour des groupes raciaux différents et qu'elles ne soient pas maintenues en vigueur une fois atteints les objectifs auxquels elles répondaient.

## Article 2

1. Les Etats parties condamnent la discrimination raciale et s'engagent à poursuivre par tous les moyens appropriés et sans retard une politique tendant à éliminer toute forme de discrimination raciale et à favoriser l'entente entre toutes les races, et, à cette fin :

a) Chaque Etat partie s'engage à ne se livrer à aucun acte ou pratique de discrimination raciale contre des personnes, groupes de personnes ou institutions et à faire en sorte que toutes les autorités publiques et institutons publiques, nationales et locales, se conforment à cette obligation ;

b) Chaque Etat partie s'engage à ne pas encourager, défendre ou appuyer la discrimination raciale pratiquée par une personne ou une organisation quelconque ;

c) Chaque Etat partie doit prendre des mesures efficaces pour revoir les politiques gouvernementales nationales et locales et pour modifier, abroger ou annuler toute loi et toute disposition réglementaire ayant pour effet de créer la discrimination raciale ou de la perpétuer la où elle existe ;

d) Chaque Etat partie doit, par tous les moyens appropriés, y compris, si les circonstances l'exigent, des mesures législatives, interdire la discrimination raciale pratiquée par des personnes, des groupes ou des organisations et y mettre fin ;

e) Chaque Etat partie s'engage à favoriser, le cas échéant, les organisations et mouvements intégrationnistes multiraciaux et autres moyens propres à éliminer les barrières entre les races, et à décourager ce qui tend à renforcer la division raciale.

2. Les Etats parties prendront, si les circonstances l'exigent, dans les domaines social, économique, culturel et autres, des mesures spéciales et concrètes pour assurer comme il convient le développement ou la protection de certains groupes raciaux ou d'individus appartenant à ces groupes en vue de leur garantir, dans des conditions d'égalité, le plein exercice des droits de l'homme et des libertés fondamentales. Ces mesures ne pourront en aucun cas avoir pour effet le maintien de droits inégaux ou distincts pour les divers groupes raciaux, une fois atteints les objectifs auxquels elles répondaient.

## Article 3

Les Etats parties condamnent spécialement la ségrégation raciale et l'*apartheid* et s'engagent à prévenir, à interdire et à éliminer sur les territoires relevant de leur juridiction toutes les pratiques de cette nature.

## Article 4

Les Etats parties condamnent toute propagande et toutes organisations qui s'inspirent d'idées ou de théories

fondées sur la supériorité d'une race ou d'un groupe de personnes d'une certaine couleur ou d'une certaine origine ethnique, ou qui prétendent justifier ou encourager l'engagement à adopter immédiatement des mesures positives destinées à éliminer toute incitation à une telle discrimination, ou tous actes de discrimination, et, à cette fin, tenant dûment compte des principes formulés dans la Déclaration universelle des droits de l'homme et des droits expressément énoncés à l'article 5 de la présente Convention, il s'engagent notamment :

a) A déclarer illégaux et à interdire les organisations ainsi que les activités de propagande organisées et tout autre type d'activité de propagande qui incitent à la discrimination raciale et qui l'encouragent et à déclarer délit punissable par la loi la participation à ces organisations ou à ces activités ;

c) A ne pas permettre aux autorités publiques ni aux institutions publiques, nationales ou locales, d'inciter à la discrimination raciale ou de l'encourager.

## Article 5

Conformément aux obligations fondamentales énoncées à l'article 2 de la présente Convention, les Etats parties s'engagent à interdire et à éliminer la discrimination raciale sous toutes ses formes et à garantir le droit de chacun à l'égalité devant la loi sans distinction de race, de couleur ou d'origine nationale ou ethnique, notamment dans la jouissance des droits suivants :

a) Droit à un traitement égal devant les tribunaux et tout autre organe administrant la justice ;

b) Droit à la sûreté de la personne et à la protection de l'Etat contre les voies de fait ou les sévices de la part de l'individu, groupe ou institution ;

c) Droits politiques, notamment droit de participer aux élections — de voter et d'être candidat — selon le système du suffrage universel et égal, droit de prendre part au gouvernement ainsi qu'à la direction des affaires publiques, à tous les échelons, et droit d'accéder, dans des conditions d'égalité, aux fonctions publiques ;

d) Autres droits civils, notamment :

i) Droit de circuler librement et de choisir sa résidence à l'intérieur d'un Etat ;

ii) Droit de quitter tout pays, y compris le sien, et de revenir dans son pays ;

iii) Droit à une nationalité ;

iv) Droit de se marier et de choisir son conjoint ;

v) Droit de toute personne, aussi bien seule qu'en association, à la propriété ;

vi) Droit d'hériter ;

## ANNEXE 4: Texte de la Convention

### Convention internationale sur l'élimination de toutes les formes de discrimination raciale

Adoptée et ouverte à la signature et à la ratification par l'Assemblée générale dans sa résolution 2106 A (XX) du 21 décembre 1965

ENTRÉE EN VIGUEUR : le 4 janvier 1969, conformément aux dispositions de l'article 19.

#### Les Etats parties à la présente Convention,

Considérant que la Charte des Nations Unies est fondée sur les principes de la dignité et de l'égalité de tous les êtres humains, et que tous les Etats Membres se sont engagés à agir, tant conjointement que séparément, en coopération avec l'Organisation, en vue d'atteindre l'un des buts des Nations Unies, à savoir : développer et encourager le respect universel et effectif des droits de l'homme et des libertés fondamentales pour tous, sans distinction de race, de sexe, de langue ou de religion,

Considérant que la Déclaration universelle des droits de l'homme proclame que tous les êtres humains naissent libres et égaux en dignité et en droit et que chacun peut se prévaloir de tous les droits et de toutes les libertés qui y sont énoncés, sans distinction aucune notamment de race, de couleur ou d'origine nationale,

Considérant que tous les hommes sont égaux devant la loi et ont droit à une égale protection de la loi contre toute discrimination et contre toute incitation à la discrimination,

Considérant que les Nations Unies ont condamné le colonialisme et toutes les pratiques de ségrégation et de discrimination dont il s'accompagne, sous quelque forme et en quelque endroit qu'ils existent, et que la Déclaration sur l'octroi de l'indépendance aux pays et aux peuples coloniaux, du 14 décembre 1960 [résolution 1514 (XV) de l'Assemblée générale], a affirmé et solennellement proclamé la nécessité d'y mettre rapidement et inconditionnellement fin,

Convaincus que toute doctrine de supériorité fondée sur la différenciation entre les races est sciemment injuste et dangereuse et que rien ne saurait justifier, ni que ce soit, la discrimination raciale, ni en théorie ni en pratique, Réaffirmant que la discrimination entre les êtres humains pour des motifs fondés sur la race, la couleur ou l'origine ethnique est un obstacle aux relations ami-

cales et pacifiques entre les nations et est susceptible de troubler la paix et la sécurité entre les peuples ainsi que la coexistence harmonieuse des personnes au sein d'un même Etat,

Convaincus que l'existence de barrières raciales est incompatible avec les idéals de toute société humaine, Alarmés par les manifestations de discrimination raciale qui existent encore dans certaines régions du monde et par les politiques gouvernementales fondées sur la supériorité ou la haine raciale, telles que les politiques d'*apartheid*, de ségrégation ou de séparation,

Résolus à adopter toutes les mesures nécessaires pour l'élimination rapide de toutes les formes et de toutes les manifestations de discrimination raciale et à prévenir les manifestations de discrimination raciale et à combattre les doctrines et pratiques racistes afin de favoriser la bonne entente entre les races et d'édifier une communauté internationale affranchie de toutes les formes de ségrégation et de discrimination raciales,

Ayant présentes à l'esprit la Convention concernant la discrimination en matière d'emploi et de profession adoptée par l'Organisation internationale du Travail en 1958 et la Convention concernant la lutte contre la discrimination dans le domaine de l'enseignement adoptée par l'Organisation des Nations Unies pour l'éducation, la science et la culture en 1960,

Désireux de donner effet aux principes énoncés dans la Déclaration des Nations Unies sur l'élimination de toutes les formes de discrimination raciale et d'assurer le plus rapidement possible l'adoption de mesures pratiques à cette fin,

Sont convenus de ce qui suit :

#### PREMIÈRE PARTIE

##### Article premier

1. Dans la présente Convention, l'expression « discrimination raciale » vise toute distinction, exclusion, restriction ou préférence fondée sur la race, la couleur, l'ascendance ou l'origine nationale ou ethnique, qui a pour but ou pour effet de détruire ou de compromettre la reconnaissance, la jouissance ou l'exercice, dans des conditions d'égalité, des droits de l'homme et des libertés fondamentales dans les domaines politique, économique, social et culturel ou dans tout autre domaine de la vie publique.

2. La présente Convention ne s'applique pas aux distinctions, exclusions, restrictions ou préférences établies par un Etat partie à la Convention selon qu'il s'agit de ses ressortissants ou de non-ressortissants.

3. Aucune disposition de la présente Convention ne peut être interprétée comme affectant de quelque manière que ce soit les dispositions législatives des Etats parties à la Convention concernant la nationalité, la citoyenneté ou la naturalisation, à condition que ces dispositions ne soient pas discriminatoires à l'égard d'une nationalité particulière.

4. Les mesures spéciales prises à seule fin d'assurer comme il convient le progrès de certains groupes raciaux ou ethniques ou d'individus ayant besoin de la protection

### ANNEXE 3 LISTE DES DOCUMENTS SOUMIS AVEC LE PRÉSENT RAPPORT

1. Jugement de la Cour suprême du Canada dans la cause *The Law Society of British Columbia et al. c. Andrews et al.*
2. Rapport sur la célébration de la Journée des droits de la personne, le 10 décembre 1988
3. *Loi sur le multiculturalisme canadien*
4. Alberta Report on Policing in a Multicultural Society
5. Alberta's Report on the Teaching of Human Rights
6. *Loi sur les pratiques de commerce discriminatoires* - Manitoba
7. *The Human Rights Code, 1988* - Terre-Neuve
8. *Multiculturalism Act* - Nouvelle-Ecosse
9. *Loi de 1988 sur les placements sud-africains détenus en fiducie* - Ontario

# ANNEXE 2 Déclaration de Montréal contre la discrimination raciale



L'Administration municipale reconnaît l'importance de la composante multiraciale et multiculturelle de la société montréalaise.

Considérant que la Déclaration universelle des droits de la personne et les conventions internationales relatives aux droits de la personne établissent les principes de non-discrimination et d'égalité;

Compte tenu que le Canada souscrit à la Convention internationale sur l'élimination de toutes les formes de discrimination raciale et a proclamé, en mars 1986, la Deuxième Décennie de la lutte contre le racisme et la discrimination raciale;

Étant donné que la Charte des droits et libertés de la personne du Québec consacre le droit de toute personne à la reconnaissance et à l'exercice en pleine égalité des droits et libertés de la personne;

Reconnaissant que le gouvernement du Québec, en adoptant la Déclaration sur les relations interethniques et interraciales, en décembre 1986, appuie ces principes et condamne le racisme et la discrimination raciale;

Considérant que le 21 mars a été proclamé Journée internationale pour l'élimination de toutes les formes de discrimination raciale, par l'Assemblée générale des Nations unies; Souhaitant encourager les Montréalais et les Montréalaises à adopter une attitude de respect de la dignité et des droits de toutes les personnes,

l'Administration de la Ville de Montréal s'engage:

- À prendre toutes les mesures nécessaires pour combattre la discrimination basée notamment sur la race, la couleur, la religion et l'origine ethnique ou nationale ainsi qu'à promouvoir des relations interraciales et interculturelles harmonieuses dans le respect et la compréhension.
- À respecter et à faire respecter les principes de la Charte des droits et libertés de la personne du Québec à tous les niveaux des services municipaux et des sociétés pararmunicipales.
- À reconnaître et à souligner la journée du 21 mars comme "Journée internationale pour l'élimination de toutes les formes de discrimination raciale".

Cette journée sera l'occasion, annuellement, de dénoncer le racisme et de sensibiliser l'ensemble des Montréalais et des Montréalaises aux diverses formes de discrimination raciale.

Par la présente Déclaration, l'Administration municipale s'engage à combattre toutes les formes de discrimination raciale et à favoriser l'accès et la participation pleine et entière de tous les citoyens et de toutes les citoyennes, indépendamment de leur race, couleur, religion, origine ethnique ou nationale, aux différentes sphères de la vie municipale.

De plus, l'Administration municipale demande à la population montréalaise d'appuyer ses efforts par une attitude de respect de la dignité et des droits de toutes les personnes.

Signée à Montréal, ce vingt et un mars mil neuf cent quatre-vingt-neuf.

<p><i>Michel Falarin</i> président du Comité exécutif</p> <p><i>Les Cousineau</i> membre du Comité exécutif</p>	<p><i>Jean Doré</i> maire de Montréal</p> <p><i>Robert Perreault</i> vice-président du Comité exécutif</p> <p><i>John Cardiner</i> membre du Comité exécutif</p>	<p><i>Robert Boudreau</i> membre du Comité exécutif</p> <p><i>Kathleen Verdon</i> membre du Comité exécutif</p>
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## ANNEXE 1

# PROCLAMATION

## JOURNÉE INTERNATIONALE POUR L'ÉLIMINATION DE LA DISCRIMINATION RACIALE\* 21 MARS

ATTENDU que le gouvernement de la Nouvelle-Écosse s'emploie depuis longtemps à édifier une société dans laquelle toute personne indépendamment de la race, la couleur, l'origine nationale ou ethnique, la religion ou la croyance, le sexe, l'âge ou la déficience, puisse travailler et vivre dans la paix, l'harmonie et le respect mutuel;

ET ATTENDU que tous les résidents de la Nouvelle-Écosse ont droit au même traitement, aux mêmes chances, au même respect et à la même compréhension;

ET ATTENDU que l'élimination du racisme et de la discrimination raciale est essentielle à la promotion de l'égalité pour tous les Néo-Écossais;

ET ATTENDU que l'Assemblée générale des Nations Unies a proclamé le 21 mars Journée internationale pour l'élimination de la discrimination raciale;

ET ATTENDU que le gouvernement de la Nouvelle-Écosse a émis une proclamation reconnaissant la deuxième Décennie de la lutte contre le racisme et la discrimination raciale des Nations Unies;

EN CONSÉQUENCE, je soussigné, John M. Buchanan, C.P., C.R., premier ministre de la Nouvelle-Écosse, proclame par la présente le 21 mars Journée internationale pour l'élimination de la discrimination raciale et exhorte tous les Néo-Écossais à considérer comme leur responsabilité morale et sociale l'élimination de toutes les formes de racisme et de discrimination raciale dans leurs rapports les uns avec les autres;

EN FOI DE QUOI, j'ai fait apposer à la présente proclamation le sceau de la Nouvelle-Écosse à Halifax, ce 21<sup>e</sup> jour de mars 1989.

L'honorable John M. Buchanan, C.P., C.R.,  
Premier ministre de la Nouvelle-Écosse

\* Traduction du texte de la Proclamation préparée par le Secrétariat d'État et approuvée par le gouvernement de la Nouvelle-Écosse. Pour le document officiel, voir l'annexe 1 de la version anglaise du rapport.

116. Des cours d'études autochtones de niveau secondaire sont actuellement à l'essai dans des localités déterminées de la province. Pour veiller à l'intégration du contenu autochtone dans les autres matières du programme-cadre, le ministère a embauché des employés de soutien chargés de collaborer avec les responsables de l'élaboration des programmes d'études en ce qui a trait aux langues, aux études sociales, aux arts, à l'éducation, à la santé et aux sciences.

117. Le ministère de l'Éducation de la Saskatchewan a lancé un projet d'écoles communautaires, qui assure des fonds et des programmes spéciaux à dix-sept écoles des centre-villes dans les régions à forte concentration d'élèves d'ascendance indienne ou métisse. Le programme a pour objectif d'améliorer le taux de réussite des élèves d'ascendance indienne ou métisse en favorisant la participation de la collectivité à la planification et à l'élaboration des programmes scolaires. Une évaluation de ce programme a mis en lumière une amélioration de l'assiduité et de la persévérance scolaires.

118. En ce qui a trait à l'enseignement postsecondaire, on s'est efforcé de faire participer les personnes d'ascendance autochtone à la prise des décisions concernant les établissements de formation professionnelle et technique subventionnés par l'État. Une Division des services autochtones a été créée en 1988 en vue d'améliorer la mise en oeuvre des programmes et la participation des élèves au sein des instituts techniques de la province. La Division est chargée d'encourager les groupes autochtones de la province à participer au processus décisionnel.

## 2c)ix) Santé

119. La Commission de contrôle de l'abus de l'alcool et des narcotiques (Saskatchewan Alcohol and Drug Abuse Commission) octroie chaque année 1,5 million de dollars à la Corporation autochtone sur la toxicomanie (Saskatchewan Native Addiction Council Corporation) pour qu'elle dispense des services internes et externes ainsi que des services d'éducation aux Indiens et aux Métis aux prises avec des problèmes de drogue. Quatorze collectivités du Nord ont reçu 180 000 \$ pour embaucher des aides hygiénistes d'ascendance autochtone afin d'aider les spécialistes de la santé à dispenser des services médicaux, d'hygiène sociale et de consultation. L'hôpital général de Regina reçoit chaque année des subventions de 103 000 \$ pour retenir les services de trois employés autochtones chargés de mettre en oeuvre le programme de liaison avec les enfants autochtones qui assure des services de liaison, d'éducation et d'interprétation culturelle aux enfants indiens et métis recourant à des soins hospitaliers.

## 2c)x) Justice humaine

120. Le 20 mars 1989, 9 p. 100 des postes comblés dans la Division des services correctionnels du ministère de la Justice étaient occupés par des personnes d'ascendance autochtone. Le recrutement de personnel autochtone qualifié continuera à recevoir une attention spéciale. La Division des services correctionnels a, avec le concours de la collectivité, mis au point ou appuyé des programmes à l'intention des détenus d'origine autochtone et du personnel des centres correctionnels en vue de promouvoir et de renforcer la sensibilisation à la culture autochtone.

## C. Information

109. Suite à l'avis émis en janvier 1987 par le Conseil des Communautés culturelles et de l'immigration sur les «Communautés culturelles et les communications» (voir paragr. 185 du neuvième rapport), le Ministre a confié au Conseil le mandat d'étudier la problématique du financement des médias des communautés culturelles.

110. Parmi les mesures que le Ministère des Communautés culturelles et de l'immigration a prises dans ce domaine, il faut noter l'allocation d'un montant global de 227 000 \$ pour les années 1987, 1988 et 1989, dans le cadre de la réalisation du Programme d'aide aux médias des communautés culturelles.

## SASKATCHEWAN

111. La contribution de la Saskatchewan au dixième rapport du Canada touchant la Convention consiste en une mise à jour en date du mois de novembre 1989 de l'information contenue dans les huitième et neuvième rapports.

### 2a) Politique et programmes en matière de multiculturalisme

112. En juillet 1988, le gouvernement de la Saskatchewan a formé un groupe de travail sur le multiculturalisme pour examiner tous les aspects du multiculturalisme dans la province, dont les questions connexes de l'immigration et de l'établissement. Le groupe de travail a tenu des audiences partout à travers la province et il a publié son rapport en septembre 1989. Ce rapport contient 67 recommandations portant sur des sujets tels l'éducation, le patrimoine linguistique, le racisme et la discrimination, les questions autochtones, l'immigration, l'emploi, les médias et les services.

113. Des détails supplémentaires sur ce rapport et sur les suites qui y auront été données seront fournis dans le prochain rapport de la Saskatchewan.

### 2b) Langue

114. Dans le cadre du Programme des langues ancestrales, le ministère de l'Éducation de la Saskatchewan conçoit et offre des cours d'allemand et d'ukrainien. De même, on étudie actuellement la possibilité d'enseigner d'autres langues ancestrales. En 1988-1989, une Sous-section des langues ancestrales a été mise sur pied à l'intérieur de la Division des programmes d'études et de l'enseignement. On a également embauché un conseiller en matière d'éducation chargé d'aider les divisions scolaires et les programmes communautaires.

### 2c) Education

115. Le ministère de l'Éducation a mis au point une Politique relative à l'éducation des Indiens et des Métis depuis la maternelle jusqu'à la 12<sup>e</sup> année. Cet important document de politique fournit un cadre général à l'enseignement des enfants indiens et métis dans les écoles provinciales; il fournit également des lignes directrices en ce qui a trait à l'élaboration et à la mise en oeuvre de tous les programmes offerts aux écoles et aux établissements d'enseignement postsecondaire.

relations entre les corps policiers et les minorités visibles et ethniques. L'enquête a été réalisée par la Commission des droits de la personne qui en a rendu publics les résultats en novembre 1988. Elle portait notamment sur les allégations de traitement discriminatoire et de comportements racistes à l'endroit des minorités visibles et ethniques dans les corps policiers. Les 71 recommandations du rapport demandent au gouvernement du Québec de corriger des situations et des pratiques qui ont des effets discriminatoires et de mettre en place des mesures favorisant le développement de relations harmonieuses entre les corps policiers et la population montréalaise fondées sur le respect des droits de la personne.

103. Sur un total de 1 402 dossiers d'enquête ouverts à la Commission des droits de la personne en 1987 et en 1988, les plaintes alléguant discrimination pour des motifs de race, de couleur et d'origine ethnique ou nationale constituaient 10 p. 100 et 12 p. 100 de ce chiffre.

104. Au chapitre des décisions judiciaires, la Commission des droits de la personne a invoqué, devant les tribunaux, la discrimination raciale contre la Communauté urbaine de Montréal et neuf de ses policiers dans le cas d'un québécois d'origine haïtienne. La Cour supérieure a accordé des dommages moraux à cette personne pour paroles racistes, mais a rejeté, tout comme la Cour d'appel, les prétentions de la Commission sur l'incidence raciale des coups et blessures qui lui avaient été infligés. La Cour suprême n'a pas retenu de motifs suffisants pour autoriser la Commission à en appeler devant elle de ce jugement.

## Article 7

### A. Éducation et enseignement

105. La Commission des droits de la personne a publié en février 1988 «Pour mieux vivre ensemble», un nouveau guide de réflexion sur la *Charte des droits et libertés de la personne* du Québec à l'intention des jeunes en milieu scolaire. Ce livre servira d'outil de base et de référence pour le programme d'éducation en matière de droits de la personne.

106. En novembre 1987, se déroulait à Montréal le premier colloque national de l'Association pour une éducation interculturelle au Québec, dont le thème était «L'école québécoise dit OUI à l'éducation interculturelle» et qui s'adressait surtout aux intervenants en milieu scolaire.

107. Un aspect primordial de la question interculturelle est la formation des enseignants et certaines initiatives doivent être soulignées sur ce plan : un programme d'éducation interculturelle, menant à l'obtention d'un certificat, offert depuis l'hiver 1988 à l'Université du Québec à Montréal; un programme de formation en recherche en éducation interculturelle offert à l'Université de Sherbrooke.

### B. Culture

108. En 1987 et en 1988, le Conseil des Communautés culturelles et de l'Immigration a décerné son prix doté d'une bourse de 15 000\$ à trois membres de communautés culturelles différentes pour leur contribution exceptionnelle au rapprochement de leur communauté avec la communauté québécoise francophone.

## B. Mesures spéciales pour le développement et la protection de certains groupes

96. Le 23 septembre 1987, le gouvernement du Québec a adopté le principe d'une obligation contractuelle obligeant les entreprises, associations et organismes qui soumissionnent pour des contrats de biens ou de services, ou qui sollicitent des subventions auprès de l'État, à mettre sur pied des programmes d'accès à l'égalité en faveur des femmes, des minorités visibles et des autochtones (voir paragraphe 163 du neuvième rapport).

97. La pénalité pour les entreprises qui ne respecteraient pas leur engagement serait la perte de leur certification avec l'impossibilité de soumissionner sur un autre contrat.

98. La mise en oeuvre de cette obligation contractuelle s'est réalisée progressivement. Les mesures relatives aux «contrats de services» sont entrées en vigueur le 17 novembre 1988, alors que celles concernant les «subventions et contrats de biens» l'ont été les 6 et 21 avril 1989. La Commission des droits de la personne conseille les ministères sur ces questions et s'assure que les entreprises respectent leurs engagements.

99. Un comité consultatif sur l'accessibilité des services de santé et des services sociaux aux communautés culturelles a été mis sur pied en juin 1986, à l'initiative de la ministre de la Santé et des services sociaux. Présidé par un membre de l'Assemblée nationale, ce Comité a rendu public son rapport en novembre 1987. Il recommande, entre autres, que le ministère s'assure que les établissements disposent de moyens adéquats et suffisants pour communiquer dans la langue et comprendre la culture des communautés culturelles et que leurs conseils d'administration comprennent des membres des communautés culturelles.

100. Les mesures d'aide financière en vue de faciliter l'accueil et l'établissement des immigrants au Québec ainsi que leur adaptation à la réalité québécoise se sont poursuivies en 1987, 1988 et 1989 (voir les paragraphes 164 à 171 du neuvième rapport). Ainsi, des budgets annuels respectifs de 2 645 500 \$, de 3 117 561 \$ et de 3 649 500 \$ ont été affectés notamment aux éléments suivants : activités d'accueil et d'adaptation des immigrants; aide à la francisation des immigrants; activités de soutien aux cultures d'origine, incluant l'aide aux médias des communautés culturelles; activités de rapprochement, incluant l'aide aux activités interculturelles et aux organismes de rapprochement des diverses communautés; aide à des organismes de femmes.

101. Faisant suite à la Déclaration du gouvernement du Québec sur les relations interethniques et interraciales du 10 décembre 1986, et s'inspirant de cette dernière, l'Administration municipale de Montréal a rendu public, le 21 mars 1989, un important document intitulé : «Déclaration de Montréal contre la discrimination raciale» (copie ci-jointe). Par cette Déclaration, l'Administration municipale de Montréal s'engage, notamment, à combattre toutes les formes de discrimination raciale et à favoriser l'accès et la participation pleine et entière de tous les citoyens et de toutes les citoyennes, indépendamment de leur race, couleur, religion, origine ethnique ou nationale, aux différentes sphères de la vie municipale.

## C. Renseignements sur la pratique et les décisions des tribunaux et autres organes judiciaires et administratifs concernant les cas de discrimination raciale

102. Suite au décès d'un membre d'une communauté culturelle de Montréal qui impliquait un policier de cette ville, le gouvernement du Québec a ordonné une enquête sur les

90. Le présent rapport fait état des mesures prises par le Québec en application de la Convention entre juillet 1987 et septembre 1989.

## Généralités

91. Pour mettre à jour les informations sur la situation de l'immigration au Québec, figurant aux paragraphes 159 et 160 du neuvième rapport, voici quelques nouvelles données : le Québec a accueilli, en 1987, 26 822 immigrants provenant d'Asie (46 p. 100), des Antilles (12 p. 100), de l'Amérique latine (11 p. 100) et d'Afrique (10 p. 100). En 1988, il en a accueilli 25 420, dont 48 p. 100 venaient d'Asie, 11 p. 100 d'Afrique, 9,7 p. 100 des Antilles et 7,7 p. 100 de l'Amérique latine.

92. Dans la poursuite de son mandat, le Conseil des Communautés culturelles et de l'Immigration (voir paragraphe 158 du neuvième rapport) a émis, en 1987 et 1988, certains avis, dont l'un portait sur les niveaux d'immigration au Québec. Il a proposé de porter à 20 000 résidents permanents le niveau d'immigration pour 1987 et de l'augmenter de 20 p. 100 au cours des deux années subséquentes.

93. De plus, au cours de 1987-1988, le Conseil a soumis quelques avis portant sur les programmes d'accès à l'égalité pour les femmes en emploi, afin d'y inclure une disposition visant la représentativité des femmes des communautés culturelles, et un autre sur les programmes d'accès à l'égalité pour les communautés culturelles, en priorité pour les minorités visibles et les groupes issus du Sud de l'Europe.

94. Le Conseil a rappelé à cet égard que les membres des communautés culturelles demeurent largement sous-représentés dans la fonction publique québécoise. Selon les données de l'Office des ressources humaines (qui incluent les membres de la communauté anglophone), les membres des communautés culturelles constituaient alors 4,3 p. 100 des effectifs globaux de la fonction publique, soit 2 344 sur 54 386, alors qu'ils représentaient quelque 18 p. 100 de la population totale. La situation de sous-représentation des minorités visibles et des groupes issus du Sud de l'Europe est particulièrement évidente.

## Article 2

### A. Examen des lois et règlements

95. Une *Loi sur l'organisation policière et modifiant la Loi de police et diverses dispositions législatives* a été sanctionnée le 23 décembre 1988. Elle prévoit, entre autres, un Code de déontologie applicable à tous les policiers du Québec, un commissaire à la place prépondérante aux civils dans le traitement des plaintes au sein des structures régionales, des mécanismes de formation des policiers, ainsi qu'un Tribunal de la déontologie policière jouant le rôle de tribunal d'appel.

l'intention des employeurs, un guide pratique sur la prise d'initiatives dans le domaine de l'équité en matière d'emploi au profit des femmes issues de minorités visibles.

Paragraphe 130 : Équité en matière d'emploi

83. Des objectifs généraux d'équité en matière d'emploi, assortis d'un échéancier décennal, ont été mis au point et approuvés en septembre 1989 pour faire en sorte que la fonction publique de l'Ontario reflète davantage la diversité de la population ontarienne. Chaque ministère du gouvernement de l'Ontario va concevoir et appliquer un programme d'équité en matière d'emploi, selon un cycle triennal de planification; le premier cycle englobera la période allant de 1990 à 1993.

84. Il y eut, en juin 1989, un symposium sur la façon d'administrer et d'évaluer la diversité de la population active, qui s'adressait à tous les cadres supérieurs. Des ateliers semblables ont lieu dans chaque ministère pour aider les employés à mieux saisir ce que représentent la diversité de l'effectif et la diversité du public qu'ils sont appelés à servir. Les minorités raciales sont au centre de ces discussions.

Paragraphe 133

85. Outre le multiculturalisme, les affaires civiques, les relations interraciales et les droits de la personne, le ministère des Affaires civiques s'occupe également du développement économique des autochtones. Le ministère préside et assure un soutien au Comité du Cabinet chargé des relations interraciales.

**Article 3**

Paragraphe 137 : Loi sur les placements sud-africains détenus en fiducie

86. La Loi de 1988 sur les placements sud-africains, a été promulguée le 15 décembre 1988. fiduciaires à aliéner leurs placements sud-africains, qui autorise les

**Article 4**

87. Le ministère des Affaires civiques fournit conseils et assistance pour atténuer les tensions que cause la propagande haineuse. Par exemple, le ministère a joué le rôle de coordonnateur dans les cas de propagande haineuse qui lui furent signalés à l'été 1989; il prodigue des conseils au gouvernement, aux institutions et aux communautés sur la façon de réagir et de prévoir des mécanismes pour prévenir toute activité de nature à semer la haine.

88. La Commission des droits de la personne de l'Ontario doit émettre en 1990 de nouvelles directives concernant les insultes, les blagues et le harcèlement fondés sur la race, dans lesquelles elle indiquera comment elle interprète le Code des droits de la personne en rapport avec cette forme de discrimination.

**Article 6**

89. Le Code des droits de la personne de 1981 interdit, dans les domaines des services, biens et installations, du logement et de l'emploi, la discrimination fondée, entre autres, sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté et la croyance.

77. En décembre 1988, le ministère du Solliciteur général a mis sur pied, après que la police eut abattu un jeune Noir, un Groupe de travail sur les relations interraciales et la police, lequel a remis son rapport en avril 1989 avec un certain nombre de recommandations. Dans sa réponse, rendue publique en novembre de la même année, le gouvernement a annoncé qu'il avait l'intention d'assortir la *Loi sur la police* de dispositions obligatoires relatives à l'équité en matière d'emploi, d'insister davantage sur la dimension communautaire du maintien de l'ordre et d'instaurer des programmes de formation plus poussés en ce qui concerne les relations interraciales et le recours à la force.

Paragraphe 118 : Groupe de travail sur l'accès aux professions et métiers en Ontario

78. Le Groupe de travail sur l'accès aux professions et métiers en Ontario, chargé d'examiner les obstacles qui jonchent la voie d'accès aux professions et métiers pour les personnes qui ont obtenu leurs diplômes hors du Canada, a présenté son rapport en novembre 1989. Constatant l'existence d'obstacles systémiques à différents stades, le groupe de travail est arrivé à la conclusion que les professions ne disposaient pas, en Ontario, de méthodes uniformes pour évaluer de façon équitable les apprentissages antérieurs des personnes formées à l'extérieur de la province.

79. Le ministère des Affaires civiques coordonne la réponse du gouvernement au rapport du Groupe de travail.

Paragraphe 121 : Deuxième Décennie de la lutte contre le racisme et la discrimination raciale

80. Dans le cadre de la deuxième Décennie, le gouvernement de l'Ontario a participé à des activités destinées à souligner la Journée internationale pour l'élimination de la discrimination raciale, le 21 mars 1989. Lors d'une manifestation organisée par l'Urban Alliance on Race Relations, un représentant du ministre des Affaires civiques a annoncé l'octroi de subventions totalisant 100 000 \$ pour cinq projets de relations interraciales.

81. La Direction des relations interraciales du ministère des Affaires civiques offre toute une gamme de services de consultation et de soutien aux groupes et aux individus qui veulent s'occuper des relations interraciales dans leur sphère d'activité. La Direction dispense sept services : l'élaboration des politiques et des programmes; la formation en relations interraciales; la liaison avec les communautés; l'éducation du public; le règlement des conflits; l'équité en matière d'emploi; l'octroi de subventions pour des projets relatifs aux relations interraciales.

Paragraphe 124 à 126

82. La Direction générale de la condition féminine de l'Ontario continue de se préoccuper des femmes immigrantes ou appartenant à des minorités visibles, ainsi que du multiculturalisme. Elle a notamment parrainé, de concert avec différents ministères de la province, un projet pilote d'adaptation de la main-d'œuvre féminine immigrée, un projet multiculturel de sensibilisation publique aux droits et responsabilités en milieu de travail, un programme pilote à l'intention des entrepreneurs ethnoculturels, des séminaires multiculturels de droit de la famille et une série d'ateliers d'information à l'intention des femmes immigrantes ou appartenant à des minorités visibles. La Direction générale a publié, à

Paragraphe 111

71. Entre octobre 1988 et octobre 1989, la Commission des droits de la personne de la Nouvelle-Ecosse a organisé et tenu six conférences scolaires sur les droits de la personne. De plus, les membres de la Commission ont prononcé de nombreuses allocutions, participant en outre à des conférences, des ateliers et des séminaires communautaires. Environ 40 000 brochures sur les droits de la personne ont été distribuées. En 1988, pour célébrer le 40<sup>e</sup> anniversaire de la *Déclaration universelle des droits de l'homme*, la Commission a organisé des expositions sur les droits de la personne, demandant également à toutes les bibliothèques régionales et universitaires de la Nouvelle-Ecosse d'en faire autant et les y aidant. Douze bibliothèques avaient répondu à l'appel.

Paragraphe 112

72. En 1988, la Public Legal Education Society de la Nouvelle-Ecosse a mis au point un recueil de jurisprudence intitulé *Teaching Human Rights: A Casebook for Senior High Teachers*. Des exemplaires de ce recueil ont été distribués à toutes les écoles secondaires de la Nouvelle-Ecosse comme documents de référence sur les droits de la personne. Des exemplaires en sont également vendus partout au Canada.

Paragraphe 113

73. À partir de 1987 et jusqu'en juin 1989, le ministère de l'Éducation a soumis aux essais sur le terrain des cours sur les droits de la personne élaborés par la Fondation canadienne des droits humains à l'intention des écoles primaires.

## ONTARIO

### Généralités

Paragraphe 116 : Politique de l'Ontario en matière de relations interraciales

74. Pour assurer une mise en oeuvre coordonnée de la Politique de l'Ontario en matière de relations interraciales, le gouvernement de la province a approuvé une proposition consistant à exiger que les ministères compétents se dotent d'un plan d'action annuel sur les relations interraciales.

75. Le ministère du Procureur général a entrepris, dans l'optique des relations interraciales, une étude de ses politiques et de ses opérations à titre de fournisseur de services judiciaires au public. Il a adopté, pour l'ensemble du ministère, des objectifs qui s'articulent autour des relations interraciales et il veille à la mise en oeuvre d'autres initiatives liées aux relations interraciales; c'est ainsi qu'il consulte les communautés pour l'étude sur les relations interraciales, qu'il fait porter son étude aussi sur les organismes, conseils et commissions qui relèvent du ministère, qu'il offre aux gestionnaires des séances de formation en relations interraciales et qu'il a mis au point un mécanisme de recherche pour étudier la question du racisme lors des audiences des tribunaux.

76. Le ministère des Services sociaux et communautaires suit de près toutes les étapes de l'élaboration et de l'application des politiques et des programmes pour veiller à ce qu'on prenne en bonne considération l'esprit de la stratégie multiculturelle du gouvernement et de sa politique sur les relations interraciales.

ont été examinées par la Commission des droits de la personne de la Nouvelle-Écosse, ce qui représente 41,8 p. 100 de toutes les plaintes examinées par la Commission.

## Article 2

### Paragraphe 105

65. La Commission royale d'enquête chargée d'étudier les circonstances qui ont entouré la condamnation erronée de Donald Marshall, fils, pour meurtre ainsi que le système de justice criminelle en Nouvelle-Écosse est censée remettre son rapport en janvier 1990.

### Paragraphe 106

66. L'Association métropolitaine pour l'établissement des immigrants continue d'offrir ses programmes d'orientation et d'assistance à l'intention de tous les immigrants. En outre, elle a mis sur pied, au profit des immigrantes, un programme de retour au travail leur assurant une formation linguistique et professionnelle de base, y compris l'initiation aux techniques de recherche d'emploi.

## Article 7

### Paragraphe 107

67. Le ministère de l'Éducation continue à travailler en étroite collaboration avec d'autres ministères et avec des groupes ethnoculturels dans différents domaines, par exemple, le Comité mixte des droits de la personne et de l'éducation, les services multiculturels et la formation des enseignants. Parmi ces programmes, mentionnons le Fonds d'incitation aux études (Education Incentive Fund) à l'intention des étudiants noirs et les cours et questions relatifs à la langue micmaque (Micmac Language Courses and Issues). Le ministère a également accordé une aide financière à l'Association des éducateurs de race noire afin de leur permettre d'élaborer des programmes de promotion de l'égalité des chances à l'intention des étudiants noirs de la Nouvelle-Écosse.

68. Le ministère de l'Enseignement supérieur et de la Formation professionnelle a à son service des alphabétiseurs qui s'occupent de répondre aux besoins des minorités. Il a embauché du personnel pour travailler auprès des Noirs et des Micmacs.

### Paragraphe 109

69. L'École de service social des provinces maritimes (Maritime School of Social Work) poursuit ses programmes de promotion de la compréhension interculturelle.

### Paragraphe 110

70. En février 1989, le Conseil scolaire du district de Halifax-Bedford a annoncé la mise sur pied de quatre comités afin de promouvoir la compréhension interculturelle. Les comités s'intéresseront à quatre questions jugées cruciales pour le succès des activités dans le cadre du système scolaire : la participation des parents, le programme scolaire, le perfectionnement du personnel et les activités des étudiants.

## Article 7

58. En 1987, six conseils scolaires ont mené, dans les classes de 4<sup>e</sup> et de 6<sup>e</sup> années, un projet-pilote consistant à mettre à l'essai un cours sur les droits de la personne. Par suite de ce projet-pilote, différentes questions de droits de la personne, y compris la discrimination fondée sur la race, seront incorporées dans un nouveau texte en cours d'élaboration pour utilisation dans le programme d'études sociales de 6<sup>e</sup> année.

59. Des notions de droits de la personne font déjà partie du cours d'études sociales donné en 7<sup>e</sup> année. Le cours comprend l'étude de divers groupes culturels et l'examen de questions telles que les préjugés par rapport aux droits des minorités. Ces questions sont approfondies en 8<sup>e</sup> année.

60. À l'école secondaire de deuxième cycle, quatre cours traitent de questions de droits de la personne. Au niveau I (10<sup>e</sup> année), le cours intitulé "Canadian Issues" (questions d'intérêt canadien) comprend un volet sur les droits de la personne au Canada. Bien que l'accent soit mis sur la situation actuelle au Canada, on s'intéresse également aux droits de la personne dans d'autres parties du monde. Au niveau II (11<sup>e</sup> année), diverses questions de droits de la personne sont abordées dans les cours intitulés "Democracy" (démocratie) et "Canadian Law" (droit canadien). L'accent est mis sur la Déclaration universelle des droits de l'homme avec insistance particulière sur son application au Canada. Au niveau III (12<sup>e</sup> année), les cours "World Problems" (problèmes mondiaux) et "World History" (histoire du monde) traitent de l'actualité. Les questions de droits de la personne font partie intégrante de ces cours.

## NOUVELLE-ÉCOSSE

### Généralités

61. En mars 1989, le premier ministre de la Nouvelle-Écosse a fait une proclamation sur la Journée internationale pour l'élimination de la discrimination raciale, durant une cérémonie organisée par la Commission des droits de la personne, en présence de représentants de tous les secteurs de la province (voir, ci-joint, le texte de la Proclamation). De même, les maires de Halifax, de Dartmouth et de Bedford ont également proclamé le 21 mars Journée internationale pour l'élimination de la discrimination raciale.

62. La *Loi sur le multiculturalisme* (Multiculturalism Act) a été adoptée en juin 1989. Elle vise à promouvoir le multiculturalisme en Nouvelle-Écosse en favorisant l'émergence «d'une société multiculturelle, sorte de mosaïque formée de cultures et de groupes ethniques différents» qui vivront en harmonie les uns avec les autres.

63. Le Conseil de l'éducation multiculturelle (Multicultural Education Council) de la Nouvelle-Écosse a parrainé deux conférences, l'une au printemps, l'autre à l'automne 1989, pour étudier les réalités multiculturelles et les besoins en ce domaine des provinces de l'Atlantique.

### Paragraphe 102

64. Au cours de la période comprise entre le 1<sup>er</sup> avril 1988 et le 31 mars 1989, 66 plaintes pour discrimination fondée sur la race, la couleur ou l'origine ethnique ou nationale

51. Des reportages diffusés dans la presse et à la télévision sur les droits des autochtones ont reçu un prix de journalisme dans le domaine des droits de la personne. Coparrainé par le cercle des journalistes de Winnipeg, à sa deuxième année d'existence, en 1988, le prix a été décerné au *Winnipeg Free Press* pour un supplément intitulé *Indians: Strangers in their own land* (Les Indiens : des étrangers dans leur propre pays).

## TERRE-NEUVE

52. Le présent rapport se veut une mise à jour, en date de septembre 1989, des renseignements contenus dans les rapports antérieurs.

## Article 2

53. En 1988, le *Code des droits de la personne de Terre-Neuve (Human Rights Code)*, R.S.N. 1970, c. 262, a été remplacé par le *Code des droits de la personne de 1988*, S.N. 1988, c. 62. Ce texte législatif continue d'offrir une protection contre la discrimination fondée sur la race, la couleur ou l'origine ethnique, nationale ou sociale.

54. La Commission des droits de la personne n'a reçu que très peu de plaintes alléguant la discrimination fondée sur la race. Une telle plainte a été déposée en 1987 et une autre en 1988. Les deux ont été rejetées parce que la Commission n'avait pas jugé avoir un motif raisonnable de croire qu'il y avait eu discrimination.

## Autochtones

55. En 1987, le gouvernement de Terre-Neuve et du Labrador a annoncé une politique visant les revendications territoriales des peuples autochtones qui peuvent faire la preuve de leur occupation et de leur utilisation immémoriales de terres et de ressources renouvelables. Les gouvernements provincial et fédéral sont actuellement engagés dans des négociations territoriales tripartites avec les Inuit du nord du Labrador. En outre, pour répondre aux préoccupations concernant le développement et la protection des autochtones, les gouvernements fédéral et provincial ont conclu des accords de financement afin d'accroître les programmes et services offerts dans les communautés autochtones du Labrador.

56. Dans le but d'accroître le nombre d'autochtones aptes à enseigner, l'Université Memorial de Terre-Neuve offre un cours de deux ans sanctionné par un diplôme, qui rend les diplômés aptes à enseigner dans la province. Le financement est assuré en vertu de l'entente fédérale-provinciale concernant les peuples autochtones. Certains des cours sont offerts sur la côte du Labrador afin de les rendre plus accessibles aux membres de la communauté autochtone.

57. Le nombre d'autochtones dans la province doit être révisé, de 2 500, comme l'affirmait le huitième rapport, à environ 6 000. Cet accroissement important sur une aussi courte période semble lié au fait que, pour établir des statistiques, on compte sur l'auto-identification des intéressés comme autochtones.

44. La Direction du perfectionnement et de la formation offre aux fonctionnaires provinciaux des programmes spéciaux de formation interculturelle et des programmes de formation sur des questions reliées à l'action positive.

#### Paragraphe 92 et 93

45. En 1989, le gouvernement a doublé le budget des programmes de reconnaissance formelle et de services de soutien aux nouveaux arrivants, programmes offrant aux immigrants des services d'intégration professionnelle et d'établissement.

### Article 5

46. Le gouvernement du Manitoba a lancé une enquête sur l'administration de la justice en milieu autochtone en réponse aux allégations voulant que les autochtones soient victimes de préjugés et/ou d'incompréhension dans leurs rapports avec la police et les tribunaux civils et criminels. Financée par le gouvernement, l'enquête doit porter sur tous les éléments du système judiciaire à la lumière de la situation des autochtones. Ses responsabilités ont tenu des audiences publiques et reçu des mémoires.

47. La Commission d'aide juridique du Manitoba a lancé un projet visant à accroître l'accès des autochtones au système judiciaire dans quatre collectivités éloignées et sept tribunaux; elle utilise à cette fin les services de travailleurs para-judiciaires.

### Article 6

#### Paragraphe 88

48. Figurent ci-après des statistiques sur les plaintes déposées en vertu des dispositions législatives du Manitoba sur les droits de la personne pendant les deux années visées par le présent rapport. En 1987, 18 p. 100 (79) des plaintes reçues étaient fondées sur la race ou la couleur, tandis qu'en 1988, 16 p. 100 (49) concernaient ces mêmes motifs. La nationalité et l'origine nationale ou ethnique représentaient 16 p. 100 (71) des plaintes déposées en 1987 et 6 p. 100 (18) en 1988.

49. Enfin, une nouvelle loi a été promulguée le 1<sup>er</sup> octobre 1988, à savoir la *Loi sur les pratiques de commerce discriminatoires*. Elle vise à prévenir la discrimination fondée notamment sur l'origine nationale ou ethnique dans les boycottages secondaires et tertiaires (par exemple, refuser de faire du commerce avec une personne). De plus amples détails seront fournis dans le prochain rapport.

### Article 7

#### Paragraphe 94

50. Le district scolaire n° 1 de Winnipeg (le plus grand de la province) a constitué, pendant la période visée par le présent rapport, un groupe de travail sur les relations interraciales dans les écoles et l'enseignement. Le rapport du groupe de travail, qui recommande des changements dans les méthodes administratives et éducationnelles du district, est à l'étude.

39. Le ministère de l'Éducation a mis sur pied un comité consultatif sur l'éducation des Indiens qui est en train d'élaborer un plan à long terme pour l'éducation des Indiens, lequel permettra aux enfants d'autochtones de conserver leur patrimoine linguistique et culturel.

40. Une autre question a été abordée dans un rapport récent d'un comité provincial d'examen du système judiciaire, qui a recommandé un certain nombre de modifications à apporter pour rendre le système judiciaire plus accessible aux autochtones. Un comité directeur interministériel des rapports entre les autochtones et le système judiciaire a été mis sur pied et procède en ce moment à 22 consultations avec des groupes d'autochtones de l'ensemble de la province afin d'améliorer la prestation des services judiciaires.

#### Exercice de la fonction de policier en milieu multiculturel

41. Le ministre du Solliciteur général a mis sur pied en 1986 un comité provincial sur les relations entre la police et les minorités, lequel est formé de représentants de la police ainsi que de membres des minorités visibles. Le comité poursuit deux objectifs : i) améliorer les relations entre la police et les minorités visibles de manière à accroître la réceptivité de la collectivité et l'efficacité de la police; ii) réduire l'incidence de la criminalité juvénile liée à l'appartenance à des gangs à caractère ethnique.

### **Article 7**

#### Paragraphe 81 : Cours sur les droits de la personne

42. En septembre 1989, le Conseil des droits de la personne de la Colombie-Britannique a publié un cours sur les droits de la personne à utiliser à l'échelle de la province dans le cadre des programmes d'études sociales de 11<sup>e</sup> année et de droit de 12<sup>e</sup> année. Le cours encourage les étudiants à porter un jugement critique sur leurs propres préjugés et à reconnaître l'importance de traiter les personnes comme des individus plutôt que de s'en faire une image stéréotypée. Le cours fait également ressortir différents types de discrimination et donne des précisions sur le contenu de la *Loi sur les droits de la personne* de la Colombie-Britannique. Ce cours, qui comprend un guide du maître et un manuel de l'élève, forme un tout en soi et met à la disposition de l'enseignant des études de cas sur la discrimination. Il a été étudié en profondeur et soumis à des essais sur le terrain partout dans la province avec des résultats positifs.

## **MANITOBA**

### **Article 2**

#### Paragraphe 91

43. La Direction des services professionnels et d'aide en matière d'emploi (Employment Counselling and Support Services Branch) offre une vaste gamme de services aux membres des minorités visibles et des autres groupes cibles de l'action positive. Quatre cent personnes ont assisté à des ateliers de groupes et plus de 900 ont reçu des conseils personnels visant à les aider à se mériter un emploi dans la fonction publique.

Paragraphe 67

34. En vue d'améliorer l'accès des autochtones à l'enseignement supérieur, un groupe de travail interministériel a été mis sur pied. Le groupe rencontre les étudiants autochtones, les parents, les éducateurs et les administrateurs pour identifier les besoins des étudiants autochtones qui accèdent à l'enseignement supérieur et soumettre des recommandations au ministre de l'Enseignement supérieur de l'Alberta.

Paragraphe 69

35. Avec l'appui financier du gouvernement fédéral, plus de 50 projets communautaires d'alphabétisation ont été lancés; ces projets visent à satisfaire les besoins identifiés dans ces communautés.

## COLOMBIE-BRITANNIQUE

### Général

36. Le gouvernement de la province de Colombie-Britannique a fait une proclamation désignant le 21 mars 1989 «Journée internationale pour l'élimination de la discrimination raciale»; il y réitérait son engagement à faire preuve d'une vigilance soutenue à l'égard des manifestations de racisme par l'application de la *Loi sur les droits de la personne* de la Colombie-Britannique et d'autres lois sur l'antidiscrimination, ainsi que par le truchement de programmes de sensibilisation publique mis en oeuvre par le Conseil des droits de la personne afin de faire mieux prendre conscience de l'importance de la tolérance raciale.

37. Le 21 mars 1989, le ministre du Travail et des Services aux consommateurs a confirmé publiquement l'engagement de la province à accroître la compréhension et l'acceptation interraciales.

### Article 2

Paragraphe 75 à 77 : Questions relatives aux autochtones

38. Le gouvernement de la Colombie-Britannique a récemment créé un ministère des Affaires autochtones dont les objectifs sont les suivants : établir de bonnes relations de travail entre les autochtones et le gouvernement provincial; favoriser le développement économique des autochtones; négocier avec les bandes indiennes aspirant à l'autonomie gouvernementale; régler les problèmes qui surviennent entre les autochtones et le gouvernement provincial. Au nombre des programmes administrés par le ministère, le Fonds des premiers citoyens accorde des subventions et des prêts aux autochtones à des fins sociales, d'éducation ou d'affaires. Durant l'exercice en cours, un million de dollars sont disponibles pour des prêts d'affaires, qui sont remboursables dans une proportion de 50 p. 100. De son côté, le ministère du Travail et des Services aux consommateurs finance un programme de sensibilisation et d'action communautaire hors réserve dans le but d'entraver l'alcoolisme et la toxicomanie chez les autochtones. Le gouvernement a également annoncé la création d'un centre de préservation du patrimoine, des cultures et des langues des premières nations (First Peoples' Heritage, Culture and Language Centre), qui en est actuellement au stade de la planification par un comité consultatif.

le taux d'acceptation des demandes de libération conditionnelle présentées par des contrevenants autochtones et à améliorer la supervision postpénale et les soins institutionnels à l'intention des contrevenants autochtones en libération conditionnelle.

29. Au cours de l'été 1989, la Section de la police des Autochtones de la Gendarmerie royale du Canada (GRC) est devenue une direction dirigée par un commissaire adjoint, et ce, pour contribuer à faire en sorte que les questions autochtones relatives à la GRC soient traitées comme il se doit. À l'automne 1989, une importante étude sur les services policiers en milieu autochtone a été réalisée après des entrevues avec plus de 100 dirigeants autochtones de l'ensemble du Canada afin de cerner les besoins et les problèmes. À compter de 1990, chaque division de la GRC a reçu l'ordre de tenir une conférence sur les préoccupations régionales concernant les services policiers en milieu autochtone. En outre, un comité consultatif national sera créé pour fournir à la GRC un aperçu national des objectifs prévus des dirigeants autochtones.

## Article 7

Paragraphe 56 et 57

30. Le gouvernement continue d'appliquer des programmes éducatifs et d'appuyer ceux des organismes non gouvernementaux, tel qu'expliqué dans le neuvième et les autres rapports.

## B. GOUVERNEMENTS PROVINCIAUX

### ALBERTA

#### I. Introduction

31. Le présent rapport constitue une mise à jour de l'information relative à l'Alberta qui figure dans le neuvième rapport du Canada. Il couvre la période d'octobre 1987 à ce jour. L'information est présentée sous forme de mises à jour présentant les nouveaux développements portant sur les articles de la Convention dont il avait été question.

#### II. Mise à jour de l'information sur les mesures adoptées par l'Alberta

## Article 2

Paragraphe 60 à 64

32. Pour un rapport d'ensemble sur les programmes reliés aux services de police dans une société multiculturelle, voir le rapport sur cette question récemment soumis au secrétariat du Comité intergouvernemental permanent des fonctionnaires sur les droits de la personne.

Paragraphe 65 et 66

33. Voir le rapport de l'Alberta sur l'enseignement des droits de la personne récemment soumis au secrétariat du Comité permanent.

.. Ce rapport sera soumis séparément, comme document de référence.  
Ce rapport sera soumis séparément, comme document de référence.

### Article 3

Paragraphe 35 à 39 : Opposition à l'*apartheid*

23. Le gouvernement du Canada continue de faire pression sur le gouvernement de l'Afrique du Sud pour qu'il mette fin à l'*apartheid*, en particulier en appliquant des sanctions économiques, de concert avec les autres membres du Commonwealth.

### Article 4

Paragraphe 41, 43 et 44

24. En ce qui concerne le cas de John Ross Taylor, la Cour suprême du Canada a entendu l'affaire en appel en décembre 1989, en même temps que les cas de James Keegstra, Donald Andrews et Robert Smith. Le gouvernement de l'Alberta en appelait de la décision de la Cour d'appel de l'Alberta d'annuler la condamnation de James Keegstra. Quant à Donald Andrews et Robert Smith, ils en appelaient de leurs condamnations et de leurs sentences après avoir été déboutés par la Cour d'appel de l'Ontario. La Cour suprême a mis toutes ces affaires en délibéré.

Paragraphe 42 et 138

25. Le 11 mai 1988, Ernst Zundel était reconnu coupable d'avoir répandu des nouvelles fausses à la suite d'un nouveau procès tenu devant la Cour de district de l'Ontario. Il a porté sa condamnation en appel devant la Cour d'appel de l'Ontario dont la décision n'a pas encore été rendue.

Paragraphe 47 : Poursuite de personnes soupçonnées de crimes de guerre

26. Au moment où ce rapport était en préparation, le procès d'Imre Finta était en cours devant la Cour suprême de l'Ontario. De plus, en décembre 1989, une deuxième personne, Michael Pawlowski, était accusée de crimes de guerre pour le meurtre de 80 Polonais et de 410 Juifs en 1942. La date du procès n'a pas encore été fixée.

### Article 5

Paragraphe 49 : Renouvellement de la politique des langues officielles

27. La nouvelle *Loi sur les langues officielles* a été sanctionnée le 28 juillet 1988. Les articles 1 à 93 et 96 à 110 sont entrés en vigueur le 15 septembre 1988 et l'article 95 le 1<sup>er</sup> février 1989.

### Article 6

Paragraphe 54 et 55 : Programmes judiciaires pour les autochtones

28. Le Service correctionnel du Canada est en train de mettre en oeuvre les recommandations du *Rapport du groupe d'étude sur les autochtones au sein du régime correctionnel fédéral*, rendu public par le Solliciteur général en mars 1989, qui élargissent les programmes décrits aux paragraphes 54 et 55 du neuvième rapport. De plus, le Service correctionnel travaille, de concert avec la Commission nationale des libérations conditionnelles, à accroître

## Article 2

Paragraphe 28 et 29

16. Un nouveau *Décret d'exemption concernant les programmes d'équité en matière d'emploi* a été adopté en 1988 afin de faciliter la nomination des membres des groupes de minorités visibles, des autochtones, des personnes handicapées et des femmes à des postes de la fonction publique, en excluant ces personnes ainsi que les emplois qui leur sont destinés de l'application de certaines dispositions de la *Loi sur l'emploi dans la fonction publique*.

17. Le neuvième rapport faisait état de l'identificateur volontaire ajouté aux formulaires de demande d'emploi dans la fonction publique du Canada. Les formulaires de demande d'emploi ont tous été révisés pour permettre aux quatre groupes désignés - membres des groupes de minorités visibles, autochtones, personnes handicapées, femmes - de s'identifier volontairement. De plus, les processus de recrutement favorisent de plus en plus l'identification intentionnelle des candidats issus des groupes désignés, afin qu'ils puissent profiter pleinement des programmes d'équité en matière d'emploi.

Paragraphe 32 : Mise en oeuvre de l'équité en matière d'emploi

18. Comme l'exige la *Loi sur l'équité en matière d'emploi*, les employeurs réglementés par le gouvernement fédéral et les sociétés d'Etat ont soumis des rapports contenant des données statistiques sur la mise en oeuvre de l'équité en matière d'emploi.

19. La Commission canadienne des droits de la personne a examiné, au cours de l'été de 1988, les 368 rapports visant l'année 1987 qui avaient été soumis en juin 1988. Après avoir analysé les données sur l'emploi, la Commission a invité 19 employeurs, y compris cinq ministères fédéraux, à revoir en profondeur leurs pratiques d'emploi. Dix-sept employeurs ont obtenu l'emploi. En juillet 1989, la Commission a déposé des plaintes de discrimination contre les deux employeurs qui avaient refusé de se soumettre à son invitation : Bell Canada, une compagnie téléphonique, et la Société Radio-Canada, un réseau de stations de radio et de télévision. Ces plaintes font actuellement l'objet d'une enquête.

20. En juin 1989, 374 rapports ont été reçus et analysés par la Commission de l'emploi et de l'immigration, puis référés pour examen à la Commission canadienne des droits de la personne.

21. La Commission de l'emploi et de l'immigration a mis au point son propre système pour évaluer jusqu'à quel point les employeurs soumis à la Loi appliquent l'équité en matière d'emploi. Chaque employeur est évalué et classé, selon le secteur, sur la base de cinq indicateurs qui reflètent les divers aspects de sa performance, en rapport avec chacun des groupes désignés. Le classement accordé à chaque employeur constitue un aspect important du rapport annuel soumis au Parlement par le ministre et peut être examiné par le public.

22. La Commission de l'emploi et de l'immigration profite des événements spéciaux, comme la Journée internationale pour l'élimination de la discrimination raciale, pour promouvoir les principes de l'équité en matière d'emploi.

10. La Loi exige des institutions fédérales qu'elles adoptent des mesures spécifiques pour mettre en oeuvre la politique du multiculturalisme et elle assigne au ministre d'Etat au Multiculturalisme et à la Citoyenneté la responsabilité d'assurer une approche coordonnée à travers tout le gouvernement pour la mise en oeuvre de la politique. Le ministre a également un mandat spécifique pour la mise en oeuvre de cette politique, ce qui implique l'administration des programmes de multiculturalisme de son propre ministère ainsi que la mise au point d'initiatives gouvernementales spéciales reliées au multiculturalisme et la conclusion d'accords avec les autres gouvernements en vue de favoriser la mise en oeuvre de la politique.

11. Le premier rapport annuel sur l'application de la Loi, pour l'année fiscale 1988-1989, doit être déposé au Parlement au début de 1990.

#### Paragaphes 23 à 26 : Questions intéressant les autochtones

12. En ce qui a trait au paragraphe 23, des mesures continuent d'être adoptées pour protéger et améliorer la place spéciale faite aux autochtones dans la société canadienne.

13. Comme il est mentionné au paragraphe 24 du neuvième rapport, le gouvernement du Canada demeure résolu à faire adopter une modification constitutionnelle au chapitre de l'autonomie gouvernementale des autochtones. De plus, le gouvernement continue d'aider les communautés autochtones à mieux prendre en main leurs affaires dans le cadre des arrangements constitutionnels existants. Cette approche ne vise pas à remplacer l'inclusion de l'autonomie gouvernementale dans la Constitution, mais plutôt à compléter les discussions constitutionnelles. Au 1<sup>er</sup> juin 1989, le ministère des Affaires indiennes et du Nord canadien avait reçu un total de 121 propositions provenant de communautés qui souhaitaient obtenir l'autonomie gouvernementale. En outre, le 23 mai 1989, la tribu d'Alexander (Alberta) et le ministère des Affaires indiennes et du Nord canadien ont signé un accord-cadre qui pourrait, grâce à des négociations, mener au renouvellement des relations et à de nouveaux arrangements touchant le gouvernement de la tribu de la communauté d'Alexander.

14. Dans le cadre de la politique révisée en matière de revendications territoriales globales, décrite dans le neuvième rapport du Canada (paragraphe 25), le Canada a conclu des ententes de principe avec le Conseil des Indiens du Yukon et avec les Dénés et les Métis des Territoires du Nord-Ouest. De plus, une entente de principe avec la Tungavik Federation of Nunavut de l'est de l'Arctique devrait être finalisée dans un proche avenir. Par ailleurs, des accords-cadres ont été signés avec le Conseil Attikamek Montagnais du Québec et avec le Nisga'a Tribal Council de la Colombie-Britannique. Enfin, le gouvernement du Canada est en train de négocier un accord-cadre avec la Labrador Inuit Association et le gouvernement provincial de Terre-Neuve.

15. Par suite des modifications apportées en 1985 à la Loi sur les Indiens en vue d'éliminer les dispositions établissant des distinctions fondées sur le sexe et de permettre aux personnes qui avaient perdu leur statut d'Indien de le retrouver, le ministère des Affaires indiennes et du Nord avait reçu, en juillet 1989, des demandes représentant 118 000 personnes. Jusqu'ici, environ la moitié de ces personnes ont obtenu le statut d'Indien inscrit. En septembre 1988, le Parlement a de nouveau modifié la Loi sur les Indiens (projet de loi C-150) afin de corriger un point oublié en 1985, de façon à ce que la date du décès d'un parent n'influe plus dorénavant sur le droit au statut d'Indien inscrit.

Les ministres ont renouvelé leur appui à la Décennie et se sont entendus pour :

- i) marquer le 21 mars «Journée internationale pour l'élimination de la discrimination raciale» dans leur administration;
- ii) prendre des mesures, individuellement et collectivement, pour améliorer les relations entre la police et les minorités;
- iii) favoriser l'adoption, par chaque gouvernement, de lignes directrices sur la représentation des minorités dans leurs communications.

Paragraphe 9 : Activités de la Journée des droits de la personne

7. Un grand nombre d'activités ont souligné en 1988, et particulièrement le 10 décembre (Journée des droits de la personne), le 40<sup>e</sup> anniversaire de la *Déclaration universelle des droits de l'homme*. Un rapport détaillé a été déposé aux Nations Unies; des exemplaires seront remis aux membres du Comité pour l'élimination de la discrimination raciale.

## DEUXIÈME PARTIE : MISE À JOUR DE L'INFORMATION SUR LES MESURES ADOPTÉES PAR LES GOUVERNEMENTS FÉDÉRAL, PROVINCIAUX ET TERRITORIAUX A. GOUVERNEMENT FÉDÉRAL

Paragraphe 17

8. La Journée internationale pour l'élimination de la discrimination raciale (21 mars) a été soulignée par de nombreuses activités en 1989, dont une campagne nationale de sensibilisation publique. Dans le discours qu'il a prononcé lors du lancement des activités, le ministre d'Etat au Multiculturalisme et à la Citoyenneté a rendu hommage aux groupes et individus qui consacrent leurs énergies à vaincre le racisme et la discrimination; il a encouragé les Canadiens à se servir des mécanismes existants pour faire réprimer les actes de discrimination; il a promis que le gouvernement redoublerait d'efforts pour combattre le racisme; et il a rendu public un document indiquant les démarches que le gouvernement entendait prendre, dont la sensibilisation du public et l'appui au secteur volontaire. Enfin, il a réitéré l'intention du gouvernement d'établir une Fondation des relations raciales.

Paragraphe 20 : *Loi sur le multiculturalisme canadien*

9. La *Loi sur le multiculturalisme canadien* a été adoptée à l'unanimité par les deux chambres du Parlement canadien et elle est entrée en vigueur le 21 juillet 1988. La Loi reconnaît que le multiculturalisme est une caractéristique fondamentale de la société canadienne et que la diversité constitue une ressource inestimable pour le futur du Canada. Se fondant sur les dispositions relatives à l'égalité et au multiculturalisme de la *Charte canadienne des droits et libertés*, de la *Loi canadienne sur les droits de la personne* et des instruments internationaux relatifs aux droits de la personne (dont la *Convention internationale sur l'élimination de toutes les formes de discrimination raciale*), et en harmonie avec la *Loi sur les langues officielles*, la Loi décrit la politique de multiculturalisme du gouvernement fédéral comme une politique «destinée à préserver et valoriser le patrimoine multiculturel des Canadiens tout en s'employant à réaliser l'égalité de tous les Canadiens dans les secteurs économique, social, culturel et politique de la vie canadienne».

## INTRODUCTION

1. Le présent rapport est le dixième que le Canada présente aux termes de la *Convention internationale sur l'élimination de toutes les formes de discrimination raciale*.

2. Conformément à la recommandation de la Onzième Réunion des États parties à la Convention et à la décision du Comité pour l'élimination de la discrimination raciale, à l'effet qu'en règle générale, les États parties, «après lui avoir présenté un premier rapport complet, lui présentent par la suite un nouveau rapport complet une fois sur deux à l'expiration des délais prévus par la Convention, c'est-à-dire tous les quatre ans et, dans l'intervalle, un rapport succinct de mise à jour», et conformément aux instructions du Secrétaire général dans sa note G/SO 237/2 (2), du 22 mars 1989, le présent rapport constitue une mise à jour succincte du neuvième rapport du Canada présenté en 1988 et qui doit être examiné par le Comité pour l'élimination de la discrimination raciale. Pour une vue d'ensemble de la mise en oeuvre de la Convention au Canada, le neuvième rapport ainsi que les huit rapports présentés depuis 1971 doivent être consultés.

3. Comme le Canada est un État fédéral comprenant dix provinces (Alberta, Colombie-Britannique, Manitoba, Nouveau-Brunswick, Terre-Neuve, Nouvelle-Écosse, Ontario, Île-du-Prince-Édouard, Québec et Saskatchewan) et deux territoires (Territoires du Nord-Ouest et Yukon), il faut examiner les mesures adoptées par tous les gouvernements. Par conséquent, toutes les parties du neuvième rapport du Canada ont été revues, et l'information présentée ici apporte les précisions voulues.

4. L'information est présentée principalement sous la forme de mises à jour des paragraphes correspondants du neuvième rapport.

## PREMIÈRE PARTIE : GÉNÉRALITÉS

Paragraphes 5 à 7 du neuvième rapport : Causes portées devant les tribunaux en vertu de l'article 15 de la Charte

5. Le 2 février 1989, la Cour suprême du Canada rendait un premier arrêt sur les dispositions relatives à l'égalité de l'article 5 de la *Charte canadienne des droits et libertés*, dans la cause *The Law Society of British Columbia et al. c. Andrews et al.* La Cour y décrivait la «discrimination» comme «une distinction, intentionnelle ou non, mais fondée sur des motifs relatifs à des caractéristiques personnelles d'un individu ou d'un groupe d'individus, qui a pour effet d'imposer à cet individu ou à ce groupe des fardeaux, des obligations ou des désavantages non imposés à d'autres ou d'empêcher ou de restreindre l'accès aux possibilités, aux bénéfices et aux avantages offerts à d'autres membres de la société». Sur cette base, la Cour concluait que l'obligation d'être citoyen canadien pour être admis comme avocat dans la province de la Colombie-Britannique, prévue à la *Barriers and Solicitors Act*, portait atteinte aux droits garantis par l'article 15 et était contraire à la Constitution.

Paragraphe 8 : Collaboration intergouvernementale

6. Les ministres fédéral, provinciaux et territoriaux responsables des droits de la personne ont tenu leur cinquième conférence en septembre 1988. Ils ont échangé des idées et se sont entendus notamment sur des actions communes concernant l'enseignement des droits de la personne et la deuxième Décennie de la lutte contre le racisme et la discrimination raciale.



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## AVANT - PROPOS

Le présent rapport a été présenté aux Nations Unies le 25 janvier 1990. Le Comité pour l'élimination de la discrimination raciale l'examinera à l'une de ses prochaines sessions, en même temps que le neuvième rapport du Canada, déposé en août 1988.

C'est dans le cadre du programme permanent de sensibilisation aux droits de la personne de Multiculturalisme et Citoyenneté Canada que le rapport est publié au pays. Il est mis à la disposition des Canadiens et Canadiennes afin de leur offrir la possibilité d'approfondir leur compréhension des obligations contractées par le Canada suite à la ratification de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, de les sensibiliser aux politiques et aux programmes adoptés par leurs gouvernements pour mettre en oeuvre les dispositions de la Convention, et d'obtenir leur appui et leur collaboration quant aux efforts déployés par le Canada pour éliminer le racisme et la discrimination raciale.

Ce rapport est l'un des plus courts à avoir été présentés aux Nations Unies aux termes de la Convention. Cela répond au voeu du Comité des Nations Unies, qui a adopté une nouvelle façon de procéder pour la présentation des rapports des Etats parties. Comme il est expliqué au paragraphe 2 du rapport, le Canada a été prié de faire de ce dixième rapport une simple mise à jour du précédent rapport présenté en 1988. Il est donc suggéré au lecteur d'examiner les deux rapports simultanément.

On peut se procurer ces rapports, gratuitement, auprès de la Direction générale des communications ou de la Direction des droits de la personne de Multiculturalisme et Citoyenneté Canada.



CONVENTION INTERNATIONALE SUR

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L'ÉLIMINATION DE TOUTES LES

FORMES DE DISCRIMINATION RACIALE

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DIXIÈME RAPPORT DU CANADA

janvier 1990



# CONVENTION INTERNATIONALE SUR L'ÉLIMINATION DE TOUTES LES FORMES DE DISCRIMINATION RACIALE

DIXIÈME RAPPORT DU CANADA

janvier 1990

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Multiculturalism and  
Citizenship Canada

Multiculturalisme et  
Citoyenneté Canada

Government  
Public

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# INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

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## ELEVENTH REPORT OF CANADA

covering the period  
January 1990 to  
December 1991



Canada

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## FOREWORD

This report was prepared for submission to the United Nations in 1992. The text of the Convention is annexed to the report for easy reference.

This report is published in Canada as part of an ongoing program of the Human Rights Program of Multiculturalism and Citizenship Canada to increase awareness of human rights issues. The purpose of this publication is to provide Canadians with the opportunity to become better informed of the obligations undertaken by Canada through its ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, to apprise them of the measures taken by the federal, provincial and territorial governments to put it into effect, and to enlist their support and cooperation in the efforts being made to eradicate racism and racial discrimination.

Reports on this Convention are prepared in close collaboration with the governments of the provinces and territories, to provide each jurisdiction with the occasion to examine measures which have been adopted to enact the provisions of the Convention. At the request of the United Nations Committee, this report has been prepared as an update to the tenth report presented in January 1990. Readers wishing to inform themselves of the complete account of the implementation of the Convention in Canada should also refer to previous reports.

Copies of the report, in both official languages, may be obtained from the Communications Branch or the Human Rights Directorate of the Department of Multiculturalism and Citizenship in Ottawa. Copies of previous reports on the same Convention are also available from the Human Rights Directorate of the Department. All copies are available free of charge.

Department of Multiculturalism and Citizenship  
Ottawa



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## INTRODUCTION

1. The present interim report is the eleventh submitted by Canada under the terms of the *International Convention on the Elimination of All Forms of Racial Discrimination*. This report covers the period of January 1990 to December 1991.
2. Canada is a federal state comprised of ten provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan) and two territories (Northwest Territories and Yukon). While the ratification of international treaties is the prerogative of the Government of Canada, the implementation of the treaties requires the active participation of the governments which have the jurisdiction over the subject matters covered. In Canada, the responsibility for the areas covered by the *International Convention on the Elimination of All Forms of Racial Discrimination* is shared by the Government of Canada, the provincial governments and, following a delegation of authority by the Parliament of Canada, the territorial governments.
3. Previous reports contained detailed information on measures adopted by all governments. The present report has been prepared as an update to the tenth report submitted in January 1990. It contains information on measures adopted by the Government of Canada and the provincial and territorial governments and takes into account comments made by members of the Committee on the Elimination of Racial Discrimination during their examination of previous reports, and their requests for additional information.

## PART I: GENERAL

4. In the last decade Canada has accepted large numbers of immigrants drawn from virtually every origin, colour, religious and cultural tradition. This has led to the creation of a truly multicultural society which, in the future, will become even more diverse as Canada continues to meet obligations of family reunification and refugee settlement. In this context issues of race relations and cross-cultural understanding have become increasingly more important. The Canadian government has enacted and implemented laws and regulations which seek to prevent systemic discrimination and intolerance towards identifiable groups and foster an attitude of mutual understanding and respect. But the government is also giving more attention to positive measures that build an environment conducive to crosscultural understanding.

## PART II: MEASURES ADOPTED BY THE GOVERNMENT OF CANADA

### Legislative regulatory measures

#### Employment equity

5. On June 27, 1986, the Government enacted the *Employment Equity Act* which has jurisdiction over federally regulated private employers and federal Crown corporations employing 100 or more employees. The Act was introduced in response to the historical

underrepresentation in the Canadian workforce of members of four designated groups (women, visible minorities, aboriginal peoples, and disabled persons) and the belief that, in order to correct this situation, the structural and attitudinal barriers that have traditionally prevented the designated group members from taking their rightful place in the workforce must be uncovered and eliminated. Consequently, the purpose of the Act is to achieve equality in the work place and to redress past effects of discrimination. To achieve this goal, the Act requires employers under its jurisdiction to publicly report on the representation of the four designated group members in their workforces, identify and remove employment barriers to the designated group members, develop and implement employment equity plans outlining goals and corresponding timetables, and achieve representative workforces. The Act applies to approximately 630,000 employees and some 370 firms are covered.

6. Although the Canadian Human Rights Commission does not have direct responsibility for enforcement of the *Employment Equity Act*, as early as June 1988 the Commission set out procedures to use the *Canadian Human Rights Act* to promote the clearly intended goals of employment equity. In summary, these procedures are:

- the CHRC will invite employers whose figures appear to reveal equity problems to undertake a joint review of their employment systems;
- if the circumstances warrant and the employer rejects a joint review, the Commission will use powers given it under its own Act to initiate its own complaints; and
- it will investigate any apparently reasonable complaint from a third party based on the representation data produced.

7. The current work load of the Employment Equity Section of the Commission is 17 joint reviews and 69 complaints. These cover some 600,000 employees or 71.5 per cent of the workforce subject to the *Employment Equity Act* and Treasury Board's employment equity programs.

8. Two joint reviews recently concluded with signed agreements which include negotiated employment equity plans that will be monitored by the Commission.

9. In 1986, 6.3 per cent of the Canadian population were visible minorities. The following table illustrates the representation of visible minorities in terms of permanent full-time employment, from 1987 to 1989, as warranted by the provisions of the *Employment Equity Act*.

Representation of Visible Minorities Full-time Workforces of E.E. Act Employees		
1987	1988	1989
5%	5.6%	6.68%

10. In 1986, 1.5 per cent of the Canadian population were Aboriginal Peoples. The table that follows indicates the representation of Aboriginal Peoples in terms of permanent full-time employment, from 1987 to 1989, as warranted by the provisions of the *Employment Equity Act*.

**Representation of Aboriginal Peoples  
Permanent Full-time Employment in E.E. Act Workforce**

1987	1988	1989
0.66%	0.71%	0.79%

Federal Contractors Program

11. The Federal Contractors Program (FCP), which became effective on October 1, 1986, was a result of a Cabinet decision on contracting for government. The objective of the Federal Contractors Program is to ensure that federal contractors who do business with the Government of Canada achieve and maintain a fair and representative workforce. The Program requires employers with 100 or more employees, who bid for and receive a federal goods or services contract of \$200,000 or more, to implement eleven employment equity criteria.

12. The program criteria necessitate the identification and removal of artificial barriers to the selection, hiring, promotion and training of women, aboriginal peoples, persons with disabilities, and visible minorities. Contractors are also required to take steps to improve the employment status of designated groups by increasing their participation at all levels of employment.

13. Compliance reviews are carried out to ensure that contractors are meeting their commitment. Where neither the results nor the effort is satisfactory, the employer is found in non-compliance. Failure to comply may result in sanctions, including the eventual exclusion of the company from future government business.

Scope of FCP

14. The Federal Contractors Program has received Certificates of Commitment from 1,358 employers with approximately 1,090,000 employees. At this time, over 715 employers (with 904,000 employees) have received contracts making them eligible for compliance review. Of these, 205 contractors are at various stages of review by Compliance Review Officers, and 250 have been successfully reviewed. Thirteen of the 250 contractors reviewed in the past are now undergoing a follow-up review. Another 9 contractors have successfully undergone a follow-up review.

### The Canadian Multiculturalism Act

15. The Canadian government has taken numerous other positive measures toward the elimination of racial discrimination. The *Canadian Multiculturalism Act* was passed unanimously by both Houses of Parliament in July 1988, and came into force on July 21, 1988. It pledges the Canadian government to an active and energetic Multiculturalism Policy which makes Canada's diversity, and the challenges and opportunities this diversity generates, an integral part of the nation-building process. The first and second annual reports under the *Canadian Multiculturalism Act* were tabled in Parliament in February of 1990 and 1991 respectively.

### Establishment of a new Department of Multiculturalism and Citizenship

16. A bill to establish a new Department of Multiculturalism and Citizenship was proclaimed on April 21, 1991. The overall goal of the new department is to bring about full and active citizenship for all Canadians. The programs of the department work to break down the barriers that divide Canadians, and which prevent them from exercising their rights and responsibilities -barriers such as racism, illiteracy, integration problems and disregard for the rights of others.

17. Each of these programs is dedicated to creating an atmosphere in which all Canadians will feel equal and fulfilled; where they can work and live together, regardless of their background; where every citizen will be treated the same and will be able to contribute to Canadian society to his or her full capacity - for their own benefit, and for the benefit of all Canadians.

18. The Human Rights Directorate, for instance, provides support to non-governmental organizations for human rights education and for initiatives that increase awareness of the provisions of the *Canadian Charter of Rights and Freedoms*. The Multiculturalism Programs work toward equality for Canadians of all origins.

### The Canadian Race Relations Foundation

19. The Canadian Parliament has passed legislation to establish a Canadian Race Relations Foundation, with a \$24 million dollar endowment, to foster cross-cultural understanding and to help eliminate racism. The Foundation will carry out research, publish and distribute information, establish and maintain a comprehensive resource library, develop training programs and manuals, set up programs to increase public awareness of racial discrimination and work with business, labour, and public institutions to establish and support programs and activities aimed at eliminating discrimination.

### A new Canadian Broadcasting Act

20. Amendments to the *Broadcasting Act* which came into force on June 4, 1991 are very good examples of how Canada's policy of Multiculturalism is being implemented. The Broadcasting Policy for Canada, included in this Act, specifies that the Canadian

broadcasting system should "through its programming and the employment opportunities arising out of its operation, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children including equal rights, the linguistic duality and multicultural nature of Canadian society and the special place of aboriginal peoples within that society".

#### Amendments to the *Indian Act*

21. In the ninth and tenth report, Canada reported the 1985 amendments to the *Indian Act* designed to remove discriminatory provisions, restore status to all entitled Indians and enable Indian bands to assume control over their membership. As discussed before the Committee, a major evaluation of the impacts of Bill C-31 was conducted by the Department of Indian Affairs and Northern Development in consultation with national aboriginal institutions. The evaluation reports were tabled in December 1990. Among its findings are:

- over 73,000 individuals have gained status through Bill C-31 and are eligible for the rights and benefits that entails;
- the majority of those who gained status were women, and 90 percent of the registrants were living off reserve. The number of Bill C-31 registrants moving to reserves is relatively small since over 80 percent of bands have reported 15 or fewer registrants living on reserve as a direct result of Bill C-31;
- program expenditures for registrants since 1985 amounted to \$338 million, with the bulk of this spending for health benefits, housing and post-secondary education;
- 232 bands (out of some 600) have assumed control of their membership as a result of Bill C-31.

#### Federal Multiculturalism Programs

22. Canada's Multiculturalism Programs provide a means of enabling every Canadian to participate in full and active citizenship. They help to build a society where all Canadians feel at home. They assist in building bridges of understanding and interaction, and help people to be aware of both their rights and responsibilities in society. Each of these programs contributes in its own way, to advancing race relations objectives.

23. The Community Support and Participation Program supports the social integration and full and equitable participation of ethnocultural and visible minorities in Canadian life. The Heritage Cultures and Languages Program works to bring artists from minority groups into the mainstream. It also supports scholarly research and the study of all aspects of ethnicity, and the learning of heritage languages. The Race Relations and Cross-Cultural Understanding Program works with a variety of social institutions to help eliminate racism and racial discrimination and to promote understanding among all Canadians. An emphasis is also placed on developing partnerships with key players for institutional change in the

areas of education, media, justice and police, youth, health and social services, and labour. Activities which address the race relations concerns of visible minorities and Aboriginals, and in particular visible minority and Aboriginal youth, have been undertaken with the involvement of communities, and with the fruitful cooperation of institutions and organizations.

24. Through public education, efforts are made to raise public awareness of the nature, scope, and impact of discrimination in our society. One of the program's main public education vehicles is a national awareness campaign centred around March 21, now in its third year, to commemorate the International Day for the Elimination of Racial Discrimination.

#### International Day for the Elimination of Racial Discrimination

25. This year's public education campaign had several innovative aspects. The 1991 slogan for the March 21 campaign was "Together we can stop racism/Ensemble on peut vaincre le racisme". The slogan was seen on black and white posters everywhere - from buses and bus shelters in 88 cities and in the Toronto and Montreal subways, to schools, hospitals and offices across the country. Thousands of schools received the Department's information kit (poster, button, "Winning Ideas" booklet, and Resource Guide) and hundreds involved their students in essay and poster contests, workshops, displays and debates. More than 60 non-governmental organizations provided the major effort for the March 21 campaign in many parts of the country. Some distributed information, others participated in radio shows and television programs, while others made presentations, organized panels, or wrote media articles. The Canadian Association of Broadcasters also developed and distributed a booklet suggesting to its members certain activities to undertake for March 21. The 1991 "Together We're Better/Ensemble on ira loin" contest invited youth to send in stories, pictures, poems, or articles expressing their personal thoughts or experiences of racial discrimination. Federal institutions undertook activities to raise employee awareness. The 1991 campaign also saw a heightened interest from other levels of government. Approximately 90 municipalities from coast to coast proclaimed March 21, and many organized special events to commemorate the day.

#### Redress Issues

26. In keeping with the spirit of social justice inherent in the *Canadian Multiculturalism Act*, an agreement was reached on September 22, 1988, to apologize and provide redress to Canadians of Japanese ancestry for injustices they suffered in the Second World War. On November 4, 1990, the Prime Minister announced that the government would also extend a formal apology to other Canadian ethnocultural communities whose members have been mistreated by past Canadian governments. To date, the Prime Minister has provided a formal apology to Italian Canadians.

## Law Reform

27. The federal Minister of Justice has asked the Law Reform Commission of Canada to undertake a study of the *Criminal Code* of Canada (and related statutes) and the extent to which they ensure that aboriginal Canadians and Canadians from cultural and religious minorities have equal access to justice and are treated equitably and with respect. The Commission report is expected to release its report on Aboriginal justice issues before the end of 1991, and on cultural and religious minorities early in 1992.

## Legal Issues

28. Under article 4 of *International Convention on the Elimination of All Forms of Racial Discrimination*, the following should be included: "On December 13, 1990, the Supreme Court of Canada in the cases of R. v. Keegstra and R. v. Andrews and Smith upheld s. 319 (2) of the *Criminal Code* which prohibits the dissemination of hate against an identifiable group. The section was found to be a reasonable limit on the guarantee of freedom of expression in a free and democratic society. In reaching this conclusion, the Court took note of Canada's international obligations, including those arising from the Convention.

## Aboriginal Programs and Issues

29. The aboriginal language is being supported in the education system by programs that include language, culture and customs teaching in primary and secondary schools, on reserves, operated by Bands or the federal or provincial governments. The Cultural/Education Centres Program provides direct financial and other supportive assistance to develop Indian and Inuit linguistic learning resources.

30. Since the announcement of the Native Agenda many projects and programs have been launched to address the needs of Indian and Inuit people. For example, regarding land claims, the limit of six comprehensive land claims under negotiation at any time has been lifted, as well, other changes are being considered. The settlement of specific claims will be accelerated in different ways: a fast track process to deal with land claims of less than \$500,000 will be established; the authority of the Minister of Indian Affairs and Northern Development to approve settlement payments will be increased; more human and financial resources will be assigned to deal with specific claims; a Specific Claim Commission has been established to provide independent dispute resolution mechanism; a joint Indian-Government working group will be established to address unresolved specific claims process and policy issues; and finally pre-Confederation land claims will be accepted.

31. As part of initiatives on another aspect of the native Agenda, the Prime Minister announced in August 1991 the establishment of a Royal Commission on Aboriginal Peoples. It is to examine the economic, social and cultural situation of aboriginal peoples in Canada. One of the co-chairs and a majority of the Commissioners, are aboriginal people. The Royal Commission will complement, not substitute for, current efforts at constitutional reform and other initiatives.

32. During the summer of 1990, barricades were erected by Indians at Oka and the Mohawk communities of Kaneshatake and Kahnawake. There were several efforts at negotiation to try to bring about a peaceful resolution and the removal of barricades. The last of these barricades came down on September 26, 1990. There have been a number of efforts to aid healing within these and the broader community and to examine what happened. As part of this, the Parliamentary Standing Committee on Aboriginal Affairs completed an in-depth review of last summer's events at Oka. The government will be submitting a response soon. Furthermore, over the last three years, a number of inquiries, focusing on aboriginal justice, have been undertaken in Canada and recommendations provided for the consideration of the provincial and federal governments.

33. Concern about alcohol and drug related problems of Indian and Inuit, the Department of Health and Welfare has established a "national native alcohol and drug abuse program". The overall objective of the program is to support Indian and Inuit people and their communities in establishing and operating programs aimed at arresting and offsetting high levels of alcohol, drug and solvent abuse among their populations living on reserve. Treatment, prevention, research and training are provided. No statistics are kept of the number of alcoholism cases or the number of persons enrolled in the program.

34. Reports, including the Manitoba aboriginal justice inquiry, urging a system of justice that is more responsive to the needs of minorities, point to serious deficiencies in the capacity of existing institutions to deliver justice to certain communities.

35. At the same time, a similar conclusion was reached by the Supreme Court in Taylor v. Canadian Human Rights Commission. That case upheld s. 13 of the *Canadian Human Rights Act* which makes it a discriminatory practice to repeatedly communicate by telephone any matter that is likely to expose a person to hatred or contempt because they are identifiable on the basis of a prohibited ground of discrimination such as race or religion.

36. In relation to article 6 of the Convention, the following: "In Central Alberta Dairy Pool v. Alberta Human Rights Commission (Sept. 13/90), the Supreme Court of Canada held that there is an obligation of reasonable accommodation in cases of adverse effect discrimination under the *Alberta Individual's Rights Protection Act*. In this respect, the Supreme Court specifically overruled its earlier decision in the case of Bhinder v. Canadian National Railways which had held that there is no obligation of reasonable accommodation under the *Canadian Human Rights Act*. This new decision requires employers to adjust workplace rules and job requirements to accommodate the special needs of, amongst others, persons with disabilities and racial and religious minorities.

### PART III: PROVINCIAL AND TERRITORIAL INITIATIVES

37. Many initiatives at the federal level are paralleled in similar developments in the provinces and territories - developments that address regional perspectives: in measures to strengthen human rights legislation, to expand the educational as well as to enforce the role of Human Rights Commissions, and to introduce or broaden multiculturalism and race relations policies and programs. These provincial and territorial initiatives respond to

Articles 1, 2 and 7 of the *International Convention on the Elimination of All Forms of Racial Discrimination*.

#### British Columbia

38. British Columbia has adopted a formal multiculturalism policy and its Ministry of Education and Ministry Responsible for Multiculturalism and Human Rights is currently examining the presence and impact of Multiculturalism in education.

39. The Ministry is currently developing a number of policies which deal with equity issues, access to services and access to education.

40. The Ministry is in the process of reviewing British Columbia's *Human Rights Act*.

41. An Employment Equity Task Force was established to develop a provincial government Employment Equity policy. That policy is now before Cabinet. Each Ministry has appointed an Employment Equity representatives to review initiatives within ministries.

#### Alberta

42. Alberta has established the Alberta Institute of Multicultural Resource Development which provides intercultural training programs for government, business, and the voluntary sector. Also, on June 5, 1990, the Alberta government introduced four pieces of legislation which formalised the Métis Settlement Accord. The Accord was agreed to between the Government and the Métis people of Alberta after a number of years of consultation and negotiation. On November 1, 1990, formal ownership of 1.25 million acres of land was transferred to Métis Settlements in Alberta.

#### Saskatchewan

43. In Saskatchewan, the government has promised renewed multiculturalism legislation, and has set out an action plan to encourage pride in heritage and afford equality of access and opportunity for everyone. The action plan is organized under four themes of heritage, opportunity, partnership and equality.

#### Manitoba

44. Manitoba's multiculturalism policy commits the government to create a Multiculturalism Secretariat which will facilitate interdepartmental and intergovernmental relations regarding multiculturalism ideals, issues and programs, and introduce multiculturalism legislation.

#### Québec

45. The province of Québec has introduced a new policy for the integration of cultural communities with three orientations: a common language, full participation, and harmonious

intergroup relations. Québec also made a commitment to increase the representation of cultural communities in its public service to 12 percent.

### Ontario

46. The Ontario's Women's Directorate has targeted the needs of immigrant, refugee and racial minority women as a priority. The Directorate, in co-operation with various provincial departments, has sponsored a multicultural public education project in workplace rights and responsibilities; a research project to examine the barriers to access health care services by immigrant women; and a series of five one-day conferences on ethnocultural women and aging in Metropolitan Toronto. The Directorate also co-ordinates the Ontario Wife/Sexual Assault Prevention Initiatives. Programs and initiatives were developed to improve accessibility to shelters and other services by disadvantaged groups including immigrant and racial minority women. To address the labour market and equity concerns of members of this group, the Directorate funded a leadership training course to address the situation of racial minority women in the labour movement, and a research project to provide teachers with the information and skills to help meet the needs of immigrant and refugee children. A series of fact sheets to describe the workforce situation of racial minority women, women with disabilities and aboriginal women is being prepared by the Directorate.

47. In January 1990, the Ministry of the Solicitor general formed a Race Relations and Policing Unit, to co-ordinate the Ministry's implementation of the Race Relations and Policing Task Force (1989) Report. Initiatives have been developed since then in three areas: employment equity, race relations training and police/community relations and a race relations policy tailored to the police environment.

48. Partly in response to the Race Relations and Policing Task Force (1989) Report, a new *Police Services Act* came into force in December, 1990, making employment equity mandatory for all municipal police services in Ontario, requiring a community-oriented approach to policing, establishing a public complaints mechanism and a special unit for investigating serious injuries or deaths that may have resulted from criminal offenses of police officers.

49. The Ministry of Citizenship continues to play a leadership role in assisting Ontarians from all races and cultures in participating in the development of the social, economic and cultural life of the province. Central to this full participation are the ministry's initiatives which promote equality for racial minorities and aboriginal peoples and prevent or reduce racial tensions and conflicts.

50. The Ministry of Citizenship will be accelerating its role in eliminating racial discrimination through its Anti-Racism Strategy for Ontario, a comprehensive strategy to combat racism in this province. The strategy provides for a new Ontario Anti-Racism Policy to replace the existing Ontario Policy on Race Relations, an Ontario Public Sector Anti-Racism Strategy which will require ministries to adopt anti-racism policies, consultation with various sectors on legislative changes to implement anti-racism measures,

an Ontario Anti-Racism Secretariat and an Ontario Anti-Racism Advisory Group. It promotes the notion that shared leadership and responsibility between all sectors of society is needed in order to effectively combat racism.

51. The race relations consultants of the Ontario Anti-Racism Secretariat, a successor to the Race Relations Directorate, will continue to provide, in various communities across Ontario, a broad range of consultative and support services to organizations, groups and individuals wishing to address anti-racism issues.

52. The ministry also hosted a successful three-day race relations conference in March 1990 entitled "Building Together" which brought representatives from various sectors, including business, labour, media and education to discuss strategies for improving and promoting harmonious race relations.

53. In the context of the Second Decade to Combat Racism and Racial Discrimination, Ontario participated in activities to mark the United Nations' International Day for the Elimination of Racial Discrimination on March 21, 1991. On this date, the Minister of Citizenship opened a new Race Relations Resource Collection Centre to house a comprehensive knowledge base dedicated to supporting historical, comparative and other pertinent race relations research, as well as materials on policy and program development, training and public education.

54. In April 1991, the Government of Ontario appointed an Employment Equity Commissioner who has recently released a discussion paper on proposed employment equity legislation for consultation with interested parties. It is hoped that the legislation will be tabled in the Legislative Assembly of Ontario in 1992. It is anticipated that racial minorities will be one of the designated groups to be covered under the legislation.

55. In November 1989, the Ontario Human Rights Commission released a policy statement on racial slurs and harassment and racial jokes which sets out the Commission's interpretation of the *Human Rights Code* as it applies to this form of discrimination.

56. The Ministry of Citizenship continues to co-ordinate the government's response to the Task Force on Access to Professions and Trades. During the fall of 1991, six anti-racism training pilot projects were implemented for Assistant Crown Attorneys and Court Staff in four different parts of the province. Training was tailored to the job responsibilities of the participants and consisted of two day, interactive workshops designed to identify how racial and cultural biases and systemic barriers affect the administration of justice.

57. The Police Complaints Commissioner expanded its mandate province-wide in 1991 pursuant to Part IV of the *Police Services Act*. Anti-racism training for 40 regional civilian investigators is on progress. The Ministry provided funding to the Minority Advocacy Rights Council (M.A.R.C.) to determine the feasibility of establishing a litigation and advocacy support organization to identify legislation, policies, and practices which discriminate against racial and cultural minorities.

58. In response to recommendations from the Racial Minorities Youth Consortium (a Toronto based youth group) the Ministry funded the group's proposal to produce a youth focused, youth directed video on racial minority youth experiences and perceptions of the criminal justice system. The project is expected to be completed in the spring of 1992.

#### Prince Edward Island

59. The Prince Edward Island Department of Education is in the process of drafting a human rights education policy which will deal with the treatment of human rights issues in all areas under the jurisdiction of that department. The policy will deal not only with the treatment of human rights, race relations and multiculturalism in the education of students at the elementary and high school level, but also with how these issues affect the department and school boards as employers.

60. The Prince Edward Island Multicultural Council with support from a variety of community groups including the Prince Edward Island Human Rights Commission carried out a survey dealing with racial attitudes on Prince Edward Island. The study which represents a sampling of attitudes of an entire province demonstrated that a high level of personal contact with ethnic groups resulted in positive attitudes towards immigration, multiculturalism and ethnic groups. For the most part residents of the Island who experience regular or sustained personal contact with a variety of ethnic groups are more likely to view them in a positive manner.

#### New Brunswick

61. New Brunswick has adopted a formal policy of multiculturalism.

#### Nova Scotia

62. The Province of Nova Scotia has proclaimed an Act to Promote and Preserve Multiculturalism, R.S.N.S. 1989, c.10, S.1. Its purpose includes the establishment of a climate for harmonious relations among people of diverse cultural and ethnic backgrounds.

63. A Race Relations Division was established within the Nova Scotia Human Rights Commission in 1991. Its mandate is to develop and recommend, both in the public and private sectors, programs and policies to promote cross-cultural understanding and to eliminate barriers to the full participation of members of racial minorities in society.

64. An Advisory Group on Race Relations formed in July 1991 was given a 30 day mandate to recommend a plan of action to accelerate the movement towards the elimination of racism and racial discrimination in Nova Scotia. The group, composed of one representative each of the City of Halifax municipal government, the provincial government and the federal government as well as eight members of the Black community, completed its mandate and submitted a Report which outlined 94 recommendations for action. The group further requested that the three levels of government, as well as all organizations and institutions affected by these recommendations, respond to the Report within 30

days. The Nova Scotia Provincial Government agreed to respond to the Report and the recommendations on October 15, 1991.

65. The Atlantic Aboriginal Policing Conference and the Atlantic Visible Minority Policing Conference were held in Halifax in September, 1991. The main recommendation which came out of the conference was that police forces hire more members of minority groups. The final report of the proceedings is being prepared.

66. Measures taken to prevent such events from ever recurring include: the establishment of a national recruiting team for the Royal Canadian Mounted Police to increase the representation of indigenous people and visible minorities in the force; the development of educational programs for judges, police and lawyers to encourage sensitivity to minority concerns; and an examination by the Law Reform Commission of Canada of the *Criminal Code*, to assess whether it ensures that aboriginal persons and people from other cultural and religious minorities have equal access to justice, and are treated equitably and with respect.

#### Newfoundland

67. In Newfoundland, the Department of Education has established a Multiculturalism Advisory Committee to draft its policy of multiculturalism.

#### Yukon

68. The Yukon territory recently passed an entirely new *Education Act* that addresses multiculturalism and the *Canadian Charter of Rights and Freedoms*.

#### Northwest Territories

69. Claims of discrimination on the basis of race are relatively rare in the Northwest Territories and are governed by the *Fair Practices Act*. An affirmative action policy within the government of the Northwest Territories is designed to address systemic discrimination against a number of disadvantaged groups including systemic discrimination against native persons.

## ANNEX: Text of the Convention

### International Convention on the Elimination of All Forms of Racial Discrimination

Adopted and opened for signature and ratification by General  
Assembly resolution 2106 A (XX) of 21 December 1965

ENTRY INTO FORCE: 4 January 1969, in accordance with article 19.

*The States Parties to this Convention,*

*Considering* that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Members States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

*Considering* that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

*Considering* that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

*Considering* that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

*Considering* that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human persons,

*Convinced* that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere

*Reaffirming* that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

*Convinced* that the existence of racial barriers is repugnant to the ideals of any human society,

*Alarmed* by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation,

*Resolved* to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

*Bearing in mind* the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

*Desiring* to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

*Have agreed* as follows:

#### PART 1

##### Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to the Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

## Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation,

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

## Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

## Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in

article 5 of this Convention, *inter alia*:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

## Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the rights to participate in elections -- to vote and to stand for election -- on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(iii) The right to nationality;

(iv) The right to marriage and choice of spouse;

(v) The right to own property alone as well as in association with others;

(vi) The right to inherit;

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

- (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
  - (ii) The right to form and join trade unions;
  - (iii) The right to housing;
  - (iv) The right to public health, medical care, social security and social services;
  - (v) The right to education and training;
  - (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

#### *Article 6*

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

#### *Article 7*

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of Racial Discrimination, and this Convention.

### **PART II**

#### *Article 8*

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of entry into force of this Convention. At least three months before the date of each election the Secretary-General of the

United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

#### *Article 9*

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

#### *Article 10*

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.
3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

4. The meetings of the Committee shall normally be held at the United Nations Headquarters.

#### *Article 11*

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the State Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

#### *Article 12*

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention.

(b) If the States Parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their

personal capacity. They shall not be nationals of the States Parties to the dispute or of a State not party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of the Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States Parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

#### *Article 13*

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

#### *Article 14*

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the

Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate with matter to the Committee within six months.

6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.

(b) Within three months, the receiving State shall submit to the Committee written explanations or statement clarifying the matter and the remedy, if any, that may have been taken by the State.

7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommen-

dations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to the Convention are bound by declarations in accordance with paragraph 1 of this article.

#### *Article 15*

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies.

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

#### *Article 16*

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

### PART III

#### *Article 17*

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited within the Secretary-General of the United Nations.

#### *Article 18*

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### *Article 19*

1. This Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification of instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification of instrument of accession, the Convention shall enter into force on the thirtieth day after the day of the deposit of its own instrument of ratification or instrument of accession.

#### *Article 20*

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

#### *Article 21*

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

#### *Article 22*

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

#### *Article 23*

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

#### *Article 24*

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

(a) Signatures, ratifications and accessions under articles 17 and 18;

(b) The date of entry into force of this Convention under article 19;

(c) Communications and declarations received under articles 14, 20 and 23;

(d) Denunciations under article 21.

#### *Article 25*

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.







Convention qui n'aura pas été réglé par voie de négociation ou au moyen des procédures expressément prévues par ladite Convention sera porté, à la requête de toute partie au différend, devant la Cour internationale de Justice pour qu'elle statue à son sujet, à moins que les parties au différend ne conviennent d'un autre mode de règlement.

#### Article 23

1. Tout Etat partie peut formuler à tout moment une demande de révision de la présente Convention par voie de notification écrite adressée au Secrétaire général de l'Organisation des Nations Unies.

2. L'Assemblée générale de l'Organisation des Nations Unies statuera sur les mesures à prendre, le cas échéant, au sujet de cette demande.

#### Article 24

Le Secrétaire général de l'Organisation des Nations Unies informera tous les Etats visés au paragraphe 1 de l'article 17 de la présente Convention :

a) Des signatures apposées à la présente Convention et des instruments de ratification et d'adhésion déposés conformément aux articles 17 et 18;

b) De la date à laquelle la présente Convention entrera en vigueur conformément à l'article 19;

c) Des communications et déclarations reçues conformément aux articles 14, 20 et 23;

d) Des dénonciations notifiées conformément à l'article 21.

#### Article 25

1. La présente Convention, dont les textes anglais, chinois, espagnol, français et russe font également foi, sera déposée aux archives de l'Organisation des Nations Unies.

2. Le Secrétaire général de l'Organisation des Nations Unies fera tenir une copie certifiée conforme de la présente Convention à tous les Etats appartenant à l'une quelconque des catégories mentionnées au paragraphe 1 de l'article 17 de la Convention.

2. a) Le Comité constitué conformément au paragraphe 1 de l'article 8 de la présente Convention reçoit copie des pétitions venant des organes de l'Organisation des Nations Unies qui s'occupent de questions ayant un rapport direct avec les principes et les objectifs de la présente Convention, et exprime une opinion et fait de recommandations au sujet des pétitions reçues lors de l'examen des pétitions émanant des habitants de territoires sous tutelle ou non autonomes ou de tout autre territoire auquel s'applique la résolution 1514 (XV) de l'Assemblée générale, et ayant trait à des questions visées par la présente Convention, dont sont saisis lesdits organes.

b) Le Comité reçoit des organes compétents de l'Organisation des Nations Unies copie des rapports concernant les mesures d'ordre législatif, judiciaire, administratif ou autre intéressant directement les principes et objectifs de la présente Convention que les puissances administrantes ont appliquées dans les territoires mentionnés à l'alinéa a du présent paragraphe et exprime des avis et fait des recommandations à ces organes.

3. Le Comité inclut dans ses rapports à l'Assemblée générale un résumé des pétitions et des rapports qu'il a reçus d'organes de l'Organisation des Nations Unies, ainsi que les expressions d'opinion et les recommandations qu'ont appelées de sa part lesdits pétitions et rapports.

4. Le Comité prie le Secrétaire général de l'Organisation des Nations Unies de lui fournir tous renseignements ayant trait aux objectifs de la présente Convention, dont celui-ci dispose au sujet des territoires mentionnés à l'alinéa a du paragraphe 2 du présent article.

#### Article 16

Les dispositions de la présente Convention concernant les mesures à prendre pour régler un différend ou liquider une plainte s'appliquent sans préjudice des autres procédures de règlement des différends ou de liquidation des plaintes en matière de discrimination prévues dans des instruments constitutifs de l'Organisation des Nations Unies et de ses institutions spécialisées ou dans des conventions adoptées par ces organisations, et n'empêchent pas les Etats parties de recourir à d'autres procédures pour le règlement d'un différend conformément aux accords internationaux généraux ou spéciaux qui les lient.

### TROISIÈME PARTIE

#### Article 17

1. La présente Convention est ouverte à la signature de tout Etat Membre de l'Organisation des Nations Unies ou membre de l'une quelconque de ses institutions spécialisées, de tout Etat partie au Statut de la Cour internationale de Justice, ainsi que de tout autre Etat invité par l'Assemblée générale de l'Organisation des Nations Unies à devenir partie à la présente Convention.

2. La présente Convention est sujette à ratification et les

#### Article 18

1. La présente Convention sera ouverte à l'adhésion de tout Etat visé au paragraphe 1 de l'article 17 de la Convention.

2. L'adhésion se fera par le dépôt d'un instrument d'adhésion auprès du Secrétaire général de l'Organisation des Nations Unies.

#### Article 19

1. La présente Convention entrera en vigueur le trentième jour qui suivra la date du dépôt auprès du Secrétaire général de l'Organisation des Nations Unies du vingt-septième instrument de ratification ou d'adhésion.

2. Pour chacun des Etats qui ratifieront la présente Convention ou y adhéreront après le dépôt du vingt-septième instrument de ratification ou d'adhésion, ladite Convention entrera en vigueur le trentième jour après la date du dépôt par cet Etat de son instrument de ratification ou d'adhésion.

#### Article 20

1. Le Secrétaire général de l'Organisation des Nations Unies recevra et communiquera à tous les Etats qui sont ou qui peuvent devenir parties à la présente Convention le texte des réserves qui auront été faites au moment de la ratification ou de l'adhésion. Tout Etat qui élève des objections contre la réserve avisera le Secrétaire général, dans un délai de quatre-vingt-dix jours à compter de la date de ladite communication, qu'il n'accepte pas ladite réserve.

2. Aucune réserve incompatible avec l'objet et le but de la présente Convention ne sera autorisée non plus qu'aucune réserve qui aurait pour effet de paralyser le fonctionnement de l'un quelconque des organes créés par la Convention. Une réserve sera considérée comme rentrant dans les catégories définies ci-dessus si les deux tiers au moins des Etats parties à la Convention élèvent des objections.

3. Les réserves peuvent être retirées à tout moment par voie de notification adressée au Secrétaire général. La notification prendra effet à la date de réception.

#### Article 21

Tout Etat partie peut dénoncer la présente Convention par voie de notification adressée au Secrétaire général de l'Organisation des Nations Unies. La dénonciation portera effet un an après la date à laquelle le Secrétaire général en aura reçu notification.

#### Article 22

Tout différend entre deux ou plusieurs Etats parties touchant l'interprétation ou l'application de la présente

7. Le Secrétaire général sera habilité, si besoin est, à défrayer les membres de la Commission de leurs dépenses, avant que le remboursement en ait été effectué par les Etats parties au différend conformément au paragraphe 6 du présent article.

8. Les renseignements obtenus et dépouillés par le Comité sont mis à la disposition de la Commission, et la Commission peut demander aux Etats intéressés de lui fournir tout renseignement complémentaires pertinent.

#### Article 13

1. Après avoir étudié la question sous tous ses aspects, la Commission prépare et soumet au Président du comité un rapport contenant ses conclusions sur toutes les questions de fait relatives au litige entre les parties et renfermant les recommandations qu'elle juge opportunes en vue de parvenir à un règlement amiable du différend.

2. Le Président du Comité transmet le rapport de la Commission à chacun des Etats parties au différend. Lesdits Etats font savoir au Président du Comité, dans un délai de trois mois, s'ils acceptent, ou non, les recommandations contenues dans le rapport de la Commission.

4. Une fois expiré le délai prévu au paragraphe 2 du présent article, le Président du Comité communique le rapport de la Commission et les déclarations des Etats parties intéressés aux autres Etats parties à la Convention.

#### Article 14

1. Tout Etat partie peut déclarer à tout moment qu'il reconnaît la compétence du Comité pour recevoir et examiner des communications émanant de personnes ou de groupes de personnes relevant de sa juridiction qui se plaignent d'être victimes d'une violation, par ledit Etat partie, de l'un quelconque des droits énoncés dans la présente Convention. Le Comité ne reçoit aucune communication intéressant un Etat partie qui n'a pas fait une telle déclaration.

2. Tout Etat partie qui fait une déclaration conformément au paragraphe 1 du présent article peut créer ou désigner un organisme dans le cadre de son ordre juridique national, qui aura compétence pour recevoir et examiner les pétitions émanant de personnes ou de groupes de personnes relevant de la juridiction dudit Etat qui se plaignent d'être victimes d'une violation de l'un quelconque des droits énoncés dans la présente Convention et qui ont épuisé les autres recours locaux disponibles.

3. La déclaration faite conformément au paragraphe 1 du présent article et le nom de tout organisme créé ou désigné conformément au paragraphe 2 du présent article sont déposés par l'Etat partie intéressé auprès du Secrétaire général de l'Organisation des Nations Unies, qui en communique copie aux autres Etats parties. La déclaration peut être retirée à tout moment au moyen d'une notification adressée au Secrétaire général, mais ce retrait n'affecte pas les communications dont le Comité est déjà saisi.

4. L'organisme créé ou désigné conformément au paragraphe 2 du présent article devra tenir un registre des pétitions et des copies certifiées conformes du registre seront déposées chaque année auprès du Secrétaire général par les voies appropriées, étant entendu que le contenu desdites copies ne sera pas divulgué au public.

5. S'il n'obtient pas satisfaction de l'organisme créé ou désigné conformément au paragraphe 2 du présent article, une pétitionnaire a le droit d'adresser, dans les six mois, une communication à cet effet au Comité.

6. a) Le Comité porte, à titre confidentiel, toute communication qui lui est adressée à l'attention de l'Etat partie qui a prétendument violé l'une quelconque des dispositions de la Convention, mais l'identité de la personne ou des groupes de personnes intéressés ne peut être révélée sans le consentement exprès de ladite personne ou desdits groupes de personnes. Le Comité ne reçoit pas de communications anonymes.

b) Dans les trois mois qui suivent, ledit Etat soumet par écrit au Comité des explications ou déclarations éclaircissant la question et indiquant, le cas échéant, les mesures qu'il pourrait avoir prises pour remédier à la situation.

7. a) Le Comité examine les communications en tenant compte de toutes les informations qui lui sont soumises par l'Etat partie intéressé et par le pétitionnaire. Le comité n'examinera aucune communication d'un pétitionnaire sans s'être assuré que celui-ci a épuisé tous les recours internes disponibles. Toutefois, cette règle ne s'applique pas si les procédures de recours excèdent des délais raisonnables.

b) Le comité adresse ses suggestions et recommandations éventuelles à l'Etat partie intéressé et au pétitionnaire.

8. Le Comité inclut dans son rapport annuel un résumé de ces communications et, le cas échéant, un résumé des explications et déclarations des Etats parties intéressés ainsi que de ses propres suggestions et recommandations.

9. Le Comité n'a compétence pour s'acquitter des fonctions prévues au présent article qui si au moins dix Etats parties à la Convention sont liés par des déclarations faites conformément au paragraphe 1 du présent article.

#### Article 15

1. En attendant la réalisation des objectifs de la Déclaration sur l'octroi de l'indépendance aux pays et aux peuples coloniaux, contenue dans la résolution 1514 (XV) de l'Assemblée générale de l'Organisation des Nations Unies, en date du 14 décembre 1960, les dispositions de la présente Convention ne restreignent en rien le droit de pétition accordé à ces peuples par d'autres instruments internationaux ou par l'Organisation des Nations Unies ou ses institutions spécialisées.

6. Les Etats parties prennent à leur charge les dépenses des membres du Comité pour la période où ceux-ci s'acquittent de fonctions au Comité.

#### Article 9

1. Les Etats parties s'engagent à présenter au Secrétaire général de l'Organisation des Nations Unies, pour examen par le Comité, un rapport sur les mesures d'ordres législatif, judiciaire, administratif ou autre qu'ils ont arrêtées et qui donnent effet aux dispositions de la présente Convention ; a) dans un délai d'un an à compter de l'entrée en vigueur de la Convention, pour chaque Etat intéressé en ce qui le concerne et b) par la suite, tous les deux ans, et, en outre, chaque fois que le Comité en fera la demande. Le Comité peut demander des renseignements complémentaires aux Etats parties.

2. Le Comité soumet chaque année à l'Assemblée générale de l'Organisation des Nations Unies, par l'intermédiaire du Secrétaire général, un rapport sur ses activités et peut faire des suggestions et des recommandations d'ordre général fondées sur l'examen des rapports et des renseignements reçus des Etats parties. Il porte ces suggestions et recommandations d'ordre général à la connaissance de l'Assemblée générale avec, le cas échéant, les observations des Etats parties.

#### Article 10

1. Le Comité adopte son règlement intérieur.

2. Le Comité élit sur bureau pour une période de deux ans.

3. Le Secrétaire général de l'Organisation des Nations Unies assure le secrétariat du Comité.

4. Le Comité tient normalement ses réunions au Siège de l'Organisation des Nations Unies.

#### Article 11

1. Si un Etat partie estime qu'un autre Etat également partie n'applique pas les dispositions de la présente Convention, il peut appeler l'attention du comité sur la question. Le Comité transmet alors la communication à l'Etat partie intéressé. Dans un délai de trois mois, l'Etat destinataire soumet au Comité des explications ou déclarations écrites éclaircissant la question et indiquant, le cas échéant, les mesures qui peuvent avoir été prises par ledit Etat pour remédier la situation.

2. Si, dans un délai de six mois à compter de la date, de réception de la communication originale par l'Etat destinataire, la question n'est pas réglée à la satisfaction des deux Etats, par voie de négociations bilatérales ou par toute autre procédure qui serait à leur disposition, l'un comme l'autre auront le droit de la soumettre à nouveau au Comité en adressant une notification au Comité ainsi qu'à l'autre Etat intéressé.

#### Article 12

1. a) Une fois que le Comité a obtenu et dépouillé tous les renseignements qu'il juge nécessaires, le Président désigne une Commission de conciliation *ad hoc* (ci-après dénommée la Commission) composée de cinq personnes qui peuvent ou non être membres du Comité. Les membres sont désignés avec l'assentiment unanime et les bons offices des Etats parties au diffèrent et la Commission met ses bons offices à la disposition des Etats intéressés, afin de parvenir à une solution amiable de la question, fondée sur le respect de la présente Convention.

3. Le Comité ne peut connaître d'une affaire qui lui est soumise conformément au paragraphe 2 du présent article qu'après s'être assuré que tous les recours internes disponibles ont été utilisés ou épuisés, conformément aux principes de droit international généralement reconnus. Cette règle ne s'applique pas si les procédures de recours excèdent des délais raisonnables.

4. Dans toute affaire qui lui est soumise, le Comité peut demander aux Etats parties en présence de lui fournir tout renseignement complémentaire pertinent.

5. Lorsque le Comité examine une question en application du présent article, les Etats parties intéressés ont le droit de désigner un représentant qui participera sans droit de vote aux travaux du Comité pendant toute la durée des débats.

b) Si les Etats parties au diffèrent ne parviennent pas à une entente sur tout ou partie de la composition de la Commission dans un délai de trois mois, les membres de la Commission qui n'ont pas l'assentiment des Etats parties au diffèrent sont élus au scrutin secret parmi les membres du Comité, à la majorité des deux tiers des membres du Comité.

2. Les membres de la Commission siègent à titre individuel. Ils ne doivent pas être ressortissants de l'un des Etats parties au diffèrent ni d'un Etat qui n'est pas partie à la présente Convention.

3. La Commission élit son Président et adopte son règlement intérieur.

4. La Commission tient normalement ses réunions au Siège de l'Organisation des Nations Unies ou en tout autre lieu approprié que déterminera la Commission.

5. Le secrétariat prévu au paragraphe 3 de l'article 10 de la présente Convention prête également ses services à la commission chaque fois qu'un diffèrent entre des Etats parties entraîne la constitution de la Commission.

6. Toutes les dépenses des membres de la Commission sont réparties également entre les Etats parties au diffèrent, sur la base d'un état estimatif établi par le Secrétaire général de l'Organisation des Nations Unies.

b) Droit à la sûreté de la personne et à la protection de l'Etat contre les voies de fait ou les sévices de la part soit de fonctionnaires du gouvernement, soit de tout individu, groupe ou institution;

c) Droits politiques, notamment droit de participer aux élections -- de voter et d'être candidat -- selon le système du suffrage universel et égal, droit de prendre part au gouvernement ainsi qu'à la direction des affaires publiques, à tous les échelons, et droit d'accéder, dans des conditions d'égalité, aux fonctions publiques;

d) Autres droits civils, notamment :

- i) Droit de circuler librement et de choisir sa résidence à l'intérieur d'un Etat;
- ii) Droit de quitter tout pays, y compris le sien, et de revenir dans son pays;
- iii) Droit à une nationalité;
- iv) Droit de se marier et de choisir son conjoint;
- v) Droit de toute personne, aussi bien seule qu'en association, à la propriété;
- vi) Droit d'héritier;
- vii) Droit à la liberté de pensée, de conscience et de religion;
- viii) Droit à la liberté d'opinion et d'expression;
- ix) Droit à la liberté de réunion et d'association pacifiques;

- e) Droits économiques, sociaux et culturels, notamment:
  - i) Droits au travail, au libre choix de son travail, à des conditions équitables et satisfaisantes de travail, à la protection contre le chômage, à un salaire égal pour un travail égal, à une rémunération équitable et satisfaisante;
  - ii) Droit de fonder des syndicats et de s'affilier à des syndicats;
  - iii) Droit au logement;
  - iv) Droit à la santé, aux soins médicaux, à la sécurité sociale et aux services sociaux;
  - v) Droit à l'éducation et à la formation professionnelle;
  - vi) Droit de prendre part, dans des conditions d'égalité, aux activités culturelles;

## Article 6

f) Droit d'accès à tous lieux et services destinés à l'usage du public, tels que moyens de transport, hôtels, restaurants, cafés, spectacles et parcs.

Les Etats parties assureront à toute personne soumise à leur juridiction une protection et une voie de recours effectives, devant les tribunaux nationaux et autres organismes d'Etat compétents, contre tous actes de discrimination raciale qui, contrairement à la présente Convention, violeraient ses droits individuels et ses libertés fondamentales, ainsi que le droit de demander à ces tribunaux satisfaction ou réparation juste et adéquate pour tout dommage dont elle pourrait être victime par suite d'une telle discrimination.

## Article 7

Les Etats parties s'engagent à prendre des mesures immédiates et efficaces, notamment dans les domaines de l'enseignement, de l'éducation, de la culture et de l'information, pour lutter contre les préjugés conduisant à la discrimination raciale et favoriser la compréhension, la tolérance et l'amitié entre nations et groupes raciaux et ethniques, ainsi que pour promouvoir les buts et principes de la Charte des Nations Unies, de la Déclaration universelle des droits de l'homme, de la Déclaration des Nations Unies sur l'élimination de toutes les formes de discrimination raciale et de la présente Convention.

## DEUXIÈME PARTIE

## Article 8

1. Il est constitué un Comité pour l'élimination de la discrimination raciale (ci-après dénommé le Comité) composé de dix-huit experts connus pour leur haute moralité et leur impartialité, qui sont élus par les Etats parties parmi leurs ressortissants et qui siègent à titre individuel, compte tenu d'une répartition géographique équitable et de la représentation des différentes formes de civilisation ainsi que des principaux systèmes juridiques.

2. Les membres du Comité sont élus au scrutin secret sur une liste de candidats désignés par les Etats parties. Chaque Etat partie peut désigner un candidat choisi parmi ses ressortissants.

3. La première élection aura lieu six mois après la date de l'entrée en vigueur de la présente Convention. Trois mois au moins avant la date de chaque élection, le Secrétaire général de l'Organisation des Nations Unies envoie une lettre aux Etats parties pour les inviter à présenter leurs candidatures dans un délai de deux mois. Le Secrétaire général dresse une liste par ordre alphabétique de tous les candidats ainsi désignés, avec indication des Etats parties qui les ont désignés, et la communique aux Etats parties.

4. Les membres du Comité sont élus au cours d'une réunion des Etats parties convoquée par le Secrétaire général au Siège de l'Organisation des Nations Unies. A cette réunion où le quorum est constitué par les deux tiers des Etats parties, sont élus membres du Comité les candidats qui obtiennent le plus grand nombre de voix et la majorité absolue des votes des représentants des Etats parties présents et votants.

5. a) Les membres du Comité sont élus pour quatre ans. Toutefois, le mandat de neuf des membres élus lors de la première élection prendra afin au bout de deux ans; immédiatement après la première élection, le nom de ces neuf membres sera tiré au sort par le Président du Comité;

b) Pour remplir les vacances fortuites, l'Etat partie dont l'expert a cessé d'exercer ses fonctions de membre du Comité nommera un autre expert parmi ses ressortissants, sous réserve de l'approbation du Comité.

soit les dispositions législatives des Etats parties à la Convention concernant la nationalité, la citoyenneté ou la naturalisation, à condition que ces dispositions ne soient pas discriminatoires à l'égard d'une nationalité particulière.

4. Les mesures spéciales prises à seule fin d'assurer comme il convient le progrès de certains groupes raciaux ou ethniques ou d'individus ayant besoin de la protection qui peut être nécessaire pour leur garantir la jouissance et l'exercice des droits de l'homme et des libertés fondamentales dans des conditions d'égalité ne sont pas considérées comme des mesures de discrimination raciale, à condition toutefois qu'elles n'aient pas pour effet le maintien de droits distincts pour des groupes raciaux différents et qu'elles ne soient pas maintenues en vigueur une fois atteints les objectifs auxquels elles répondaient.

## Article 2

1. Les Etats parties condamnent la discrimination raciale et s'engagent à poursuivre par tous les moyens appropriés et sans retard une politique tendant à éliminer toute forme de discrimination raciale et à favoriser l'entente entre toutes les races, et, à cette fin :

a) Chaque Etat partie s'engage à ne se livrer à aucun acte ou pratique de discrimination raciale contre des personnes, groupes de personnes, ou institutions et à faire en sorte que toutes les autorités publiques et institutions publiques, nationales et locales, se conforment à cette obligation;

b) Chaque Etat partie s'engage à ne pas encourager, défendre ou appuyer la discrimination raciale pratiquée par une personne ou une organisation quelconque;

c) Chaque Etat partie doit prendre des mesures efficaces pour revoir les politiques gouvernementales nationales et locales et pour modifier, abroger ou annuler toute loi et toute disposition réglementaire ayant pour effet de créer la discrimination raciale ou de la perpétuer là où elle existe;

d) Chaque Etat partie doit, par tous les moyens appropriés, y compris, si le circonstances l'exigent, des mesures législatives, interdire la discrimination raciale pratiquée par des personnes, des groupes ou des organisations et y mettre fin;

e) Chaque Etat parties s'engage à favoriser, le cas échéant, les organisations et mouvements propres à éliminer les barrières entre les races, et à décourager ce qui tend à renforcer la division raciale.

2. Les Etats parties prendront, si les circonstances l'exigent, dans les domaines social, économique, culturel et autres, des mesures spéciales et concrètes pour assurer comme il convient le développement ou la protection de certains groupes raciaux ou d'individus appartenant à ces groupes en vue de leur garantir, dans des conditions d'égalité, le plein exercice des droits de l'homme et des libertés fondamentales.

Ces mesures ne pourront en aucun cas avoir pour effet le maintien de droits inégaux ou distincts pour les divers groupes raciaux, une fois atteints les objectifs auxquels elles répondaient.

## Article 3

. Les Etats parties condamnent spécialement la ségrégation raciale et l'*apartheid* et s'engagent à prévenir, à interdire et à éliminer sur les territoires relevant de leur juridiction toutes les pratiques de cette nature.

## Article 4

Les Etats parties condamnent toute propagande et toutes organisations qui s'inspirent d'idées ou de théories fondées sur la supériorité d'une race ou d'un groupe de personnes d'une certaine couleur ou d'une certaine origine ethnique, ou qui prétendent justifier ou encourager toute forme de haine et de discrimination raciales; ils s'engagent à adopter immédiatement des mesures positives destinées à éliminer toute incitation à une telle discrimination, ou tous actes de discrimination, et, à cette fin, tenant dûment compte des principes formulés dans la Déclaration universelle des droits de l'homme et des droits expressément énoncés à l'article 5 de la présente Convention, il s'engagent notamment :

a) à déclarer délit punissables par la loi toute diffusion d'idées fondées sur la supériorité ou la haine raciale, toute incitation à la discrimination raciale, ainsi que tous actes de violence, ou provocation à de tels actes, dirigés contre toute race ou tout groupe de personnes d'une autre couleur ou d'une autre origine ethnique, de même que toute assistance apportée à des activités racistes, y compris leur financement;

b) à déclarer illégales et à interdire les organisations ainsi que les activités de propagande organisées et tout autre type d'activité de propagande qui incitent à la discrimination raciale et qui l'encouragent et à déclarer délit punissable par la loi la participation à ces organisations ou à ces activités;

c) à ne pas permettre aux autorités publiques ni aux institutions publiques, nationales ou locales, d'inciter à la discrimination raciale ou de l'encourager.

## Article 5

Conformément aux obligations fondamentales énoncées à l'article 2 de la présente Convention, les Etats parties s'engagent à interdire et à éliminer la discrimination raciale sous toutes ses formes et à garantir le droit de chacun à l'égalité devant la loi sans distinction de race, de couleur ou d'origine nationale ou ethnique, notamment dans la jouissance des droits suivants :

a) Droit à un traitement égal devant les tribunaux et tout autre organe administrant la justice;

## ANNEXE : Texte de la Convention

### Convention internationale sur l'élimination de toutes les formes de discrimination raciale

Adoptée et ouverte à la signature et à la ratification par l'Assemblée générale dans sa résolution 2106 A (XX) du 21 décembre 1965

ENTRÉE EN VIGUEUR : le 4 janvier 1969, conformément aux dispositions de l'article 19.

#### Les États parties à la présente Convention,

Considérant que le Charte des Nations Unies est fondée sur les principes de la dignité et de l'égalité de tous les êtres humains, et que tous les États Membres se sont engagés à agir, tant conjointement que séparément, en coopération avec l'Organisation, en vue d'atteindre l'un des buts des Nations Unies, à savoir : développer et encourager le respect universel et effectif des droits de l'homme et des libertés fondamentales pour tous, sans distinction de race, de sexe, de langue ou de religion,

Considérant que la Déclaration universelle des droits de l'homme proclame que tous les êtres humains naissent libres et égaux en dignité et en droit et que chacun peut se prévaloir de tous les droits et de toutes les libertés qui y sont énoncés, sans distinction aucune notamment de race, de couleur ou d'origine nationale,

Considérant que tous les hommes sont égaux devant la loi et ont droit à une égale protection de la loi contre toute discrimination et contre toute incitation à la discrimination, Considérant que les Nations Unies ont condamné le colonialisme et toutes les pratiques de ségrégation et de discrimination dont il s'accompagne, sous quelque forme et en quelque endroit qu'elles existent, et que la Déclaration sur l'octroi de l'indépendance aux pays et aux peuples coloniaux, du 14 décembre 1960 [résolution 1514 (XV) de l'Assemblée générale], a affirmé et solennellement proclamé la nécessité d'y mettre rapidement et inconditionnellement fin,

Considérant que la Déclaration des Nations Unies sur l'élimination de toutes les formes de discrimination raciale, du 20 novembre 1963 [résolution 1904 (XVIII) de l'Assemblée générale], affirme solennellement la nécessité d'éliminer rapidement toutes les formes et toutes les manifestations de discrimination raciale dans toutes les parties du monde et d'assurer la compréhension et le respect de la dignité de la personne humaine,

Considérant que la discrimination raciale, ni en théorie ni en pratique,

Raffirmant que la discrimination entre les êtres humains pour des motifs fondés sur la race, la couleur ou l'origine

ethnique est un obstacle aux relations amicales et pacifiques entre les nations et est susceptible de troubler la paix et la sécurité entre les peuples ainsi que la coexistence harmonieuse des personnes au sein d'un même État,

Convaincus que l'existence de barrières raciales est incompatible avec les idéals de toute société humaine,

Alarmés par les manifestations de discrimination raciale qui existent encore dans certaines régions du monde et par les politiques gouvernementales fondées sur la supériorité ou la haine raciale, telles que les politiques d'apartheid, de ségrégation ou de séparation,

Résolus à adopter toutes les mesures nécessaires pour l'élimination rapide de toutes les formes et de toutes les manifestations de discrimination raciale et à prévenir et combattre les doctrines et pratiques racistes afin de favoriser la bonne entente entre les races et d'édifier une communauté internationale affranchie de toutes les formes de ségrégation et de discrimination raciales,

Ayant présentes à l'esprit la Convention concernant la discrimination en matière d'emploi et de profession adoptée par l'Organisation internationale du Travail en 1958 et la Convention concernant la lutte contre la discrimination dans le domaine de l'enseignement adoptée par l'Organisation des Nations Unies pour l'éducation, la science et la culture en 1960,

Désireux de donner effet aux principes énoncés dans la Déclaration des Nations Unies sur l'élimination de toutes les formes de discrimination raciale et d'assurer le plus rapidement possible l'adoption de mesures pratiques à cette fin,

Sont convenus de ce qui suit :

#### PREMIÈRE PARTIE

##### Article premier

1. Dans la présente Convention, l'expression «discrimination raciale» vise toute distinction, exclusion, restriction ou préférence fondée sur la race, la couleur, l'ascendance ou l'origine nationale ou ethnique, qui a pour but ou pour effet de détruire ou de compromettre la reconnaissance, la jouissance ou l'exercice, dans des conditions d'égalité, des droits de l'homme et des libertés fondamentales dans les domaines politique, économique, social et culturel ou dans tout autre domaine de la vie publique.

2. La présente Convention ne s'applique pas aux distinctions, exclusions, restrictions ou préférences établies par un État partie à la Convention selon qu'il s'agit de ses ressortissants ou de non-ressortissants.

3. Aucune disposition de la présente Convention ne peut être interprétée comme affectant de quelque manière que ce

## Terre-Neuve

67. À Terre-Neuve, le ministère de l'Éducation a formé un comité consultatif sur le multiculturalisme, qu'il a chargé d'élaborer une politique dans ce domaine.

## Yukon

68. Le territoire du Yukon a récemment adopté une toute nouvelle *Loi sur l'éducation* dont certaines dispositions traitent du multiculturalisme et de la *Charte canadienne des droits et libertés*.

## Territoires du Nord-Ouest

69. Les allégations de discrimination fondée sur la race sont relativement rares dans les Territoires du Nord-Ouest. Elles relèvent de la *Fair Practices Act*. Le gouvernement des Territoires du Nord-Ouest s'est doté d'une politique d'action positive, afin de corriger la discrimination systémique qui touche, dans la fonction publique, un certain nombre de groupes défavorisés, notamment les autochtones.

61. Le Nouveau-Brunswick a adopté une politique officielle de multiculturalisme.

## Nouvelle-Ecosse

62. La province de la Nouvelle-Ecosse a proclamé une *Loi pour promouvoir et protéger le multiculturalisme* (R.S.N.S. 1989, c.10, S.1). Parmi ses buts est la création d'un milieu favorable à l'établissement des bonnes relations entre les personnes de différents milieux culturels et ethniques.

63. Une division des relations interraciales a été créée à l'intérieur de la Commission des droits de la personne de la province, en 1991. Elle a pour mandat d'élaborer et de recommander, aussi bien au public qu'aux secteurs privés, des programmes et politiques visant à promouvoir l'entente entre les cultures et à supprimer les obstacles à une participation entière des membres des minorités raciales dans la société.

64. Un groupe consultatif sur les relations interraciales, formé en juillet 1991, a reçu pour mandat d'élaborer, en trente jours, un plan d'action visant à accélérer le mouvement en faveur de l'élimination du racisme et de la discrimination raciale en Nouvelle-Ecosse. Le groupe, composé d'un représentant de chacun des gouvernements fédéral, provincial et municipal (de la ville de Halifax) ainsi que de huit membres de la communauté noire, a complété son mandat et a soumis un rapport contenant 94 recommandations. Le groupe a aussi demandé que les trois gouvernements, ainsi que toute autre organisation ou institution touchée par les recommandations, répondent au rapport dans les trente jours. Le gouvernement de la Nouvelle-Ecosse a consenti à répondre au rapport et aux recommandations le 15 octobre, 1991.

65. En septembre 1991 se sont tenues à Halifax deux conférences intitulées *Atlantic Aboriginal Policing Conference* et *Atlantic Visible Minority Policing Conference* (sur les relations entre la police, les minorités visibles et les autochtones). La principale recommandation issue de ces débats incite les services de police à embaucher davantage de membres des groupes minoritaires. Le rapport final sur les travaux est en voie de préparation.

66. Parmi les mesures prises pour empêcher que de tels événements se reproduisent, citons : la mise en place, à la Gendarmerie royale du Canada, d'une équipe de recrutement à l'échelle nationale chargée d'accroître la représentation des autochtones et des minorités visibles dans cette force policière; l'élaboration de programmes de formation à l'intention des juges, de la police et des avocats, afin de sensibiliser ces personnes aux préoccupations des minorités; enfin, un examen du *Code criminel*, par la Commission de réforme du droit du Canada, afin de vérifier si ce texte de loi est conçu de façon à donner aux autochtones et aux membres d'autres minorités culturelles et religieuses, un accès égal à la justice et un traitement équitable et respectueux.

organisme donne son interprétation de la façon dont le Code des droits de la personne s'applique à cette forme de discrimination.

56. Le ministère des Affaires civiles continue de coordonner la réponse du gouvernement au Groupe d'étude sur l'accès aux professions et aux métiers. Au cours de l'automne 1991, six projets pilotes de formation anti-raciste ont été lancés à l'intention des procureurs de la Couronne adjoints et du personnel judiciaire, dans quatre parties de la province. Cette formation est adaptée aux responsabilités des participants. Présenté sous forme d'ateliers interactifs, ce cours de deux jours doit permettre aux intéressés de définir la façon dont les préjugés raciaux et culturels, ainsi que les obstacles systémiques, nuisent à l'administration de la justice.

57. Le Commissaire aux plaintes contre la police a élargi son mandat à toute la province en 1991, en application de la Partie IV de la *Loi sur les services policiers*. Une formation anti-raciste est actuellement dispensée à quarante enquêteurs civils régionaux. Le ministère a accordé un financement au Minority Advocacy Rights Council (MARCC), qui déterminera s'il est possible de créer un organisme de soutien aux contestations et à la défense des droits, en vue de repérer les lois, les politiques et les pratiques qui comportent des discriminations à l'égard des minorités raciales et culturelles.

58. En réponse aux recommandations du Racial Minorities Youth Consortium, le ministère a accordé à ce groupe de jeunes établi à Toronto un financement pour appuyer son projet de production d'une bande vidéo, par et pour des jeunes, sur les expériences des jeunes membres des minorités raciales et sur la façon dont ils perçoivent le système de justice pénale. Le projet devrait être terminé au printemps 1992.

#### Ile-du-Prince-Edouard

59. Le ministère de l'Éducation de l'Ile-du-Prince-Edouard a commencé la rédaction d'une politique concernant l'enseignement des droits de la personne qui envisagera tous les aspects de la question entrant dans le champ de compétence de ce ministère. En effet, la politique portera non seulement sur l'incorporation d'un enseignement relatif aux droits de la personne, aux relations interraciales et au multiculturalisme dans la formation des élèves du primaire et du secondaire, mais aussi sur des questions qui intéressent le ministère lui-même et les commissions scolaires, à titre d'employeurs.

60. Le Multicultural Council de l'Ile-du-Prince-Edouard, avec l'appui de divers groupes communautaires et de la Commission des droits de la personne provinciale, a mené un sondage sur les attitudes raciales à l'Ile-du-Prince-Edouard. Cette étude constitue un échantillon des mentalités dans une province entière. Elle permet de constater que l'étréité des contacts avec les membres des groupes ethniques entraîne une attitude favorable à l'égard de l'immigration, du multiculturalisme et des communautés culturelles. La plupart des habitants de l'Ile qui sont en contact régulier ou continu avec les membres de divers groupes ethniques ont davantage tendance à les considérer d'une façon positive.

49. Le ministère des Affaires civiles exerce toujours son rôle de chef de file et aide les Ontariens de toutes races et cultures à participer au développement de la vie sociale, économique et culturelle de la province. Les initiatives du ministère visent à promouvoir l'égalité des minorités raciales et des autochtones, ainsi qu'à prévenir ou réduire les tensions raciales et les conflits, sont capitales pour réaliser cette participation entière.

50. Le ministère des Affaires civiles prévoit accélérer son action au chapitre de l'élimination de la discrimination raciale, grâce à sa Stratégie anti-raciste, vaste mécanisme de lutte contre le racisme dans la province. Elle comprend quatre volets : l'adoption d'une nouvelle Politique anti-raciste qui remplacera l'actuelle Politique sur les relations interraciales; une Stratégie anti-raciste pour la fonction publique comportant l'obligation pour les ministères d'adopter des politiques de lutte contre le racisme; la consultation des divers secteurs sur les changements législatifs à apporter pour appliquer les mesures visant à combattre le racisme; enfin, la création d'un Secrétariat ontarien de l'action anti-raciste et d'un Groupe consultatif ontarien de l'action anti-raciste. Cette stratégie repose sur l'idée que, pour lutter efficacement contre le racisme, il faut un partage de l'autorité et des responsabilités entre tous les secteurs de la société.

51. Les conseillers en matière de relations interraciales du Secrétariat ontarien de l'action anti-raciste, qui succède à la Direction des relations interraciales, continuera à assurer, à diverses communautés à travers tout l'Ontario, un vaste éventail de services de consultation et de soutien à l'intention des organismes, des groupes et des particuliers qui s'intéressent à la lutte contre le racisme.

52. Le ministère a par ailleurs organisé, en mars 1990, une conférence de trois jours sur les relations interraciales intitulée «Construire ensemble» qui regroupait des représentants de divers secteurs (les affaires, le monde syndical, les médias et la communauté enseignante) pour examiner des stratégies visant à améliorer et à promouvoir l'entente entre les cultures.

53. Dans le cadre de la Deuxième décennie de lutte contre le racisme et la discrimination raciale, l'Ontario a participé aux célébrations de la Journée internationale pour l'élimination de la discrimination raciale de l'ONU, le 21 mars 1991. Ce jour-là, le Ministre des Affaires civiles a ouvert un nouveau Centre de documentation sur les relations interraciales dont la vocation est d'appuyer les recherches historiques, comparatives et autres, ainsi que de réunir des documents sur l'élaboration des politiques et programmes, la formation et la sensibilisation du public.

54. En avril 1991, le gouvernement de l'Ontario a nommé une Commissaire à l'équité d'emploi. Celle-ci vient de publier un document de travail sur les dispositions législatives envisagées dans ce domaine, pour étude par les parties intéressées. On espère qu'un projet de loi pourra être déposé à l'Assemblée législative de l'Ontario en 1992. Les minorités raciales devraient être expressément visées par ce texte législatif.

55. En novembre 1989, la Commission ontarienne des droits de la personne a publié une politique relative aux insultes, au harcèlement et aux blagues racistes, dans laquelle cet

45. Le Québec a adopté une nouvelle politique visant l'intégration des communautés culturelles. Elle comporte trois orientations, qui concernent : une langue commune, une participation entière et des bonnes relations entre les groupes. Le Québec s'est également engagé à porter la représentation des communautés culturelles dans sa fonction publique à 12 p. 100.

46. La Direction générale de la condition féminine de l'Ontario s'est donnée pour priorité de répondre aux besoins des femmes immigrantes, réfugiées et membres des minorités visibles. La Direction, en coopération avec divers ministères provinciaux, a parrainé : un projet de sensibilisation du public aux droits et responsabilités liés au milieu de travail; un projet de recherche sur les obstacles qui empêchent les femmes immigrées d'accéder aux services de soins de santé; enfin, une série de cinq conférences d'une journée sur les femmes des communautés culturelles et le vieillissement, tenues à l'intérieur du grand Toronto. D'autre part, la Direction générale coordonne les initiatives de la province en matière de prévention des agressions sexuelles et de la violence à l'égard des femmes. Des programmes et des actions ont été mis en place pour rendre plus accessibles aux groupes défavorisés, y compris aux femmes immigrées et membres des minorités visibles, les refuges et autres services. Pour répondre aux préoccupations de ces dernières en ce qui concerne le marché du travail et l'égalité dans l'emploi, la Direction a financé un cours de formation aux techniques d'animation, afin de répondre aux problèmes des femmes membres des minorités visibles appartenant au mouvement syndical, ainsi qu'un projet de recherche qui permettra de transmettre aux enseignants les renseignements et les compétences qui les aideront à répondre aux besoins des enfants immigrés et réfugiés. La Direction prépare également une série de fiches d'information qui décriront la situation, dans la population active, des femmes membres des minorités raciales, handicapées et autochtones.

47. En janvier 1990, le ministre du Solliciteur général a créé une Unité des relations entre la police et les minorités raciales, pour coordonner l'application du Rapport du groupe d'étude sur les relations entre la police et les minorités raciales (1989). Depuis lors, des actions ont été menées dans trois domaines : l'équité en matière d'emploi, la formation aux relations interraciales et les relations entre la police et les communautés. De plus, une politique de relations interraciales, expressément adaptée au milieu policier, a été établie.

48. En partie pour répondre au Rapport du groupe d'étude sur les relations entre la police et les minorités raciales (1989), la Loi sur les services policiers est entrée en vigueur en décembre 1990. Elle rend obligatoire l'équité en matière d'emploi dans tous les services municipaux de police de l'Ontario, oblige les forces de l'ordre à adopter une méthode de travail qui tienne compte des communautés, crée un mécanisme d'instruction des plaintes émanant du public ainsi qu'un service spécial chargé d'enquêter sur les éventuels blessures graves ou décès résultant de délits criminels commis par des agents de police.

## Colombie-Britannique

38. La Colombie-Britannique a adopté une politique officielle de multiculturalisme et son Ministère de l'éducation, qui est aussi le Ministère responsable du multiculturalisme et des droits de la personne, a entrepris l'examen de la présence et des répercussions du multiculturalisme dans le secteur de l'éducation.

39. Le Ministère prépare actuellement un nombre de politiques ayant trait aux questions d'équité, d'accès aux services et d'accès à l'éducation.

40. Le Ministère entreprend une revue de la loi colombienne sur les Droits de la personne.

41. Un Groupe de travail sur l'équité en matière d'emploi a été formé afin d'énoncer une politique provinciale dans ce domaine. Cette politique est maintenant devant le Cabinet pour étude. Chaque ministère a nommé un représentant chargé des questions d'Équité en matière d'emploi pour revoir les initiatives prises par les ministères.

## Alberta

42. Cette province a créé l'Alberta Institute of Multicultural Resource Development, qui dispense des programmes de formation interculturelle à des membres de l'administration publique, du monde des affaires et du secteur bénévole. De plus, le 5 juin 1990, le gouvernement provincial a déposé quatre textes législatifs officialisant l'entente de règlement prise avec les Métis. Le gouvernement et la population métis de l'Alberta se sont entendus sur cet instrument après plusieurs années de consultations et de négociations. Le 1<sup>er</sup> novembre 1990, la propriété de 1,25 million d'acres de territoire a été transférée aux établissements métis de l'Alberta.

## Saskatchewan

43. En Saskatchewan, le gouvernement a promis de réviser les lois relatives au multiculturalisme. Il a également adopté un plan d'action visant à encourager la fierté pour le patrimoine et à donner à tous les citoyens des possibilités d'accès et des chances égales. Ce plan comporte quatre volets : le patrimoine, les débouchés, les partenariats et l'égalité.

## Manitoba

44. Par sa politique du multiculturalisme, le gouvernement du Manitoba s'engage à créer un Secrétariat du multiculturalisme qui facilitera les relations interministérielles et intergouvernementales pour ce qui touche aux idéaux, aux problèmes et aux programmes du multiculturalisme. Il permettra aussi le dépôt de lois concernant le multiculturalisme.

premier d'aider les Indiens et les Inuit, ainsi que leurs collectivités, à créer et à administrer des programmes visant à stopper et à réduire les importants abus d'alcool, de drogue et de dissolvants qui ont cours dans les réserves. Il s'agit d'assurer des mesures de traitement, de prévention, de recherche et de formation. On ne tient pas de statistiques sur le nombre de cas d'alcoolisme ni sur le nombre de personnes inscrites au programme.

34. Quelques rapports, y compris celui sur la justice et les autochtones au Manitoba, réclament instamment un système judiciaire qui soit plus adapté aux besoins des minorités, et soulignent à quel point les institutions existantes réussissent mal à administrer la justice pour certaines communautés.

35. En même temps, la Cour suprême en est arrivée à une conclusion analogue dans l'affaire Taylor c. la Commission canadienne des droits de la personne. Sa décision a confirmé l'article 13 de la Loi canadienne sur les droits de la personne, selon lequel le fait d'utiliser un téléphone de façon répétée pour aborder des questions susceptibles d'exposer à la haine ou au mépris des personnes appartenant à un groupe identifiable pour un motif de distinction illicite, comme la race ou la religion, constitue un acte discriminatoire.

36. En ce qui concerne l'article 6 de la Convention sur l'élimination de la discrimination raciale, nous rapportons ce qui suit : dans l'affaire Central Alberta Dairy Pool c. Alberta Human Rights Commission (13 septembre 1990), la Cour suprême du Canada a arrêté qu'il existe une obligation d'adaptation raisonnable dans les cas de discrimination indirecte, aux termes de la loi de l'Alberta intitulée la Loi sur la protection des droits individuels. À cet égard, la Cour suprême a renversée expressément sa propre décision antérieure dans le dossier Bhinder c. les Chemins de fer nationaux, selon laquelle la Loi canadienne sur les droits de la personne n'obligeait pas l'employeur à effectuer des aménagements raisonnables. Ce nouvel arrêté oblige les employeurs à ajuster leurs règlements applicables au milieu de travail et leurs exigences d'emploi, de façon à répondre aux besoins spéciaux des personnes handicapées et des membres des minorités raciales et religieuses, entre autres.

## TROISIÈME PARTIE : INITIATIVES DES GOUVERNEMENTS PROVINCIAUX ET TERRITORIAUX

37. De nombreuses initiatives provinciales et territoriales sont calquées sur des mesures similaires prises à l'échelle fédérale, après avoir toutefois été adaptées à la réalité régionale. Ainsi, les provinces et territoires ont adopté des modifications visant à renforcer la législation sur les droits de la personne et à accroître le rôle des commissions des droits de la personne en ce qui a trait à l'éducation et à l'application de cette législation; en outre, ils ont établi des politiques et programmes touchant le multiculturalisme et les relations raciales et ils ont amélioré ceux qui existaient déjà. Ces initiatives provinciales et territoriales constituent une réponse aux articles 1, 2 et 7 de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale.

29. Les langues autochtones reçoivent un appui au niveau du réseau scolaire, grâce à des programmes qui prévoient l'enseignement des langues, de la culture et des coutumes dans les écoles primaires et secondaires situées dans les réserves et administrées par les bandes ou par les pouvoirs publics fédéraux ou provinciaux. Le Programme des centres éducatifs et culturels assure une aide financière directe et d'autres appuis à l'élaboration d'outils pour l'apprentissage des langues indiennes et inuit.

30. Depuis l'annonce du Programme pour les autochtones, de nombreux projets et programmes ont été lancés pour répondre aux besoins des Indiens et des Inuit. Par exemple, en ce qui concerne les revendications territoriales, on a supprimé la règle limitant à six le nombre de revendications globales pouvant être négociées en même temps. D'autres changements sont à l'étude. De plus, le règlement des revendications particulières sera accéléré de diverses façons : celles représentant un montant inférieur à 500 000 \$ pourront bénéficier d'un traitement plus rapide; le pouvoir du Ministre des Affaires indiennes et du Nord en ce qui concerne l'approbation des paiements de règlement sera accru; des moyens humains et financiers plus grands seront affectés au traitement des revendications particulières; une Commission des revendications particulières a été créée pour assurer un mécanisme indépendant de résolution des différends; un groupe de travail mixte, formé de représentants des Indiens et du gouvernement, tentera de résoudre les revendications particulières et les questions de fond encore en souffrance; enfin, les revendications territoriales antérieures à la Confédération seront acceptées.

31. Par ailleurs, toujours dans le cadre du Programme pour les autochtones, le Premier ministre a annoncé en août 1991 la création d'une Commission royale sur les autochtones, chargée d'examiner la situation économique, sociale et culturelle des populations autochtones du Canada. L'un des coprésidents et la majorité des commissaires sont autochtones. La Commission royale doit compléter, et non pas remplacer, les autres travaux visant la réforme constitutionnelle et d'autres sujets.

32. Au cours de l'été de 1990, des barricades ont été érigées par les Indiens à Oka et dans les villages mohawk de Kanessatake et Kahnawake. Des efforts ont été déployés pour négocier une solution pacifique et le retrait des barricades. Les dernières ont été abaissées le 26 septembre 1990. Bon nombre d'initiatives ont été prises pour cicatriser les blessures dans ces villages et dans le reste de la collectivité, de même que pour mieux comprendre ce qui s'était passé. Ainsi, le Comité parlementaire permanent sur les affaires autochtones a-t-il effectué une étude en profondeur sur les événements de l'été 1990 à Oka. La réponse du gouvernement est attendue bientôt. De plus, au cours des trois dernières années, un certain nombre d'enquêtes ont été effectuées sur le régime judiciaire et les autochtones, à la suite desquelles des recommandations ont été soumises, pour examen, aux gouvernements provinciaux et fédéral.

33. Inquiet des problèmes liés à l'alcool et aux drogues que connaissent les Indiens et les Inuit, le ministère de la Santé et du Bien-être social a créé un «programme national de lutte contre l'alcoolisme et la toxicomanie chez les autochtones». Cette initiative a pour objectif

du pays. Les représentants de ces ONG ont diffusé des renseignements, participé à des émissions de radio et de télévision, présenté des communications, organisé des tables rondes ou écrit des articles pour les médias. L'Association canadienne des radiodiffuseurs a en outre élaboré et distribué une brochure, à l'intention de ses membres, pour leur suggérer certaines activités à réaliser le 21 mars. Le concours «Ensemble on ira loin/Together We're Better» invitait les jeunes à faire parvenir des récits, des photos, des poèmes ou des articles sur leurs réflexions ou leurs expériences personnelles en matière de discrimination raciale. Les institutions fédérales ont mené des activités pour sensibiliser leurs employés. La campagne de 1991 a aussi profité d'un intérêt accru de la part d'autres paliers gouvernementaux. Environ 90 municipalités d'un océan à l'autre ont proclamé la Journée, tandis que beaucoup organisaient des manifestations spéciales.

#### Questions liées aux mesures de redressement

26. Compte tenu de l'esprit de justice sociale qui caractérise la *Loi sur le multiculturalisme canadien*, une entente a été conclue le 22 septembre 1988; selon cette entente, le gouvernement du Canada s'engageait à s'excuser auprès des Canadiens d'origine japonaise et à les indemniser à l'égard des injustices qu'ils ont subies au cours de la Deuxième Guerre mondiale. Le 4 novembre 1990, le premier ministre a également annoncé que le gouvernement présenterait aussi des excuses officielles à d'autres collectivités ethnoculturelles canadiennes dont les membres ont été maltraités dans le passé par le gouvernement canadien. Jusqu'à maintenant, le premier ministre a présenté des excuses officielles aux Canadiens d'origine italienne.

#### Réforme du droit

27. La Ministre fédérale de la Justice a prié la Commission de réforme du droit du Canada d'entreprendre une étude sur le *Code criminel* du Canada (et les lois qui s'y rattachent) et sur la mesure dans laquelle ces textes permettent aux autochtones du Canada et aux Canadiens appartenant à des minorités culturelles et religieuses d'accéder à la justice et d'être traités avec équité et respect. Le rapport que cette Commission doit publier sur la justice et les populations autochtones paraîtra avant la fin de 1991, tandis que celui qui portera sur les minorités culturelles et religieuses est attendu en 1992.

#### Problèmes juridiques

28. Il convient de mentionner les événements suivants au sujet de l'article 4 de la *Convention internationale sur l'élimination de la discrimination raciale* : le 13 décembre 1990, la Cour suprême du Canada, dans les affaires la Reine c. Keegstra et la Reine c. Andrews et Smith a confirmé l'article 319 (2) du *Code criminel*, qui interdit la propagande haineuse contre un groupe identifiable. La Cour a arrêté que cet article constituait une limite raisonnable à la liberté d'expression dans une société libre et démocratique. Pour en arriver à cette conclusion, elle a tenu compte des obligations internationales du Canada, y compris celles découlant de la *Convention internationale sur l'élimination de la discrimination raciale*.

- 232 bandes (sur environ 600) décident maintenant de l'appartenance à leurs effectifs, par suite du projet de loi C-31.

## Programmes fédéraux du multiculturalisme

22. Les programmes du Canada en matière de multiculturalisme offrent le moyen à chaque Canadien de participer de façon pleine et entière à la vie civique. Ils favorisent l'édification d'une société où tous les Canadiens se sentent chez eux. Ces programmes permettent de lancer des ponts, des ponts faits de compréhension et d'interaction, et aident les gens à mieux connaître aussi bien leurs droits que leurs responsabilités au sein de la société. Chacun d'entre eux, à sa façon, aide à faire avancer la cause des relations interraciales.

23. Le Programme d'appui aux communautés et de participation communautaire favorise l'intégration sociale et la participation entière et équitable des membres des minorités visibles et ethnoculturelles à la vie canadienne. Le Programme des cultures et des langues ancestrales cherche à intégrer les artistes des groupes minoritaires dans le courant majoritaire. Il fournit également des appuis aux recherches et aux études de haut niveau sur tous les aspects de l'ethnicité, ainsi qu'à l'apprentissage des langues ancestrales. Le Programme de relations interraciales et de compréhension interculturelle collabore avec diverses institutions sociales pour éliminer le racisme et la discrimination et promouvoir la compréhension entre Canadiens. Le programme s'attache également à l'élaboration de partenariats avec des intervenants clés afin de modifier les institutions dans les domaines de l'éducation, des médias, de la justice, de la police, de la jeunesse, des services de santé, des services sociaux, ainsi que du travail. Des activités visant à résoudre les problèmes des minorités visibles et des autochtones en matière de relations interraciales, et particulièrement des jeunes, ont été entreprises avec une participation des communautés et avec la précieuse coopération des établissements et des organismes.

24. Le ministère s'efforce de sensibiliser le public à la nature, à la portée et aux effets de la discrimination dans notre société. L'un de ses principaux outils à cet égard est une campagne nationale axée autour du 21 mars, qui depuis trois ans maintenant souligne la Journée internationale pour l'élimination de la discrimination raciale.

25. La campagne de sensibilisation du public entourant le 21 mars 1991 comportait plusieurs aspects novateurs. Le slogan de cette année, «Ensemble on peut vaincre le racisme/Together we can stop racism», a été affiché en noir et blanc partout - dans les autobus et les abribus de 88 villes, dans les métros de Toronto et de Montréal, et dans les écoles, hôpitaux et bureaux de tout le pays. Des milliers d'écoles ont reçu l'ensemble documentaire du ministère (composé d'une affiche, d'un insigne, d'une brochure intitulée "Idées gagnantes" et d'un répertoire de documents de référence), et des centaines d'entre elles ont fait participer les élèves à des concours de rédaction et d'affiches, des ateliers, des expositions et des débats. Plus de 60 organismes non gouvernementaux ont assuré la majeure partie du travail nécessaire à la campagne du 21 mars dans de nombreuses régions

19. Le Parlement du Canada a adopté une loi créant la Fondation canadienne des relations raciales et établissant un fonds de 24 000 000 \$ pour promouvoir l'entente entre les cultures et favoriser l'élimination du racisme. La Fondation mènera des recherches, publiera et distribuera des renseignements, établira et tiendra une bibliothèque complète de ressources, élaborera des programmes et manuels de formation, créera des programmes visant à sensibiliser le public au sujet de la discrimination raciale et travaillera avec les entreprises, les organisations du travail et les institutions publiques pour créer et soutenir des programmes et activités visant à éliminer la discrimination.

Une nouvelle Loi sur la radiodiffusion

20. Les changements au projet de loi C-40, la nouvelle Loi canadienne du 4 juin 1991 concernant la radiodiffusion, permettent de voir clairement la façon dont la politique de multiculturalisme du Canada est appliquée. Selon la politique de la radiodiffusion du Canada, qui est énoncée dans cette Loi, la radiodiffusion canadienne devrait «par sa programmation et par les chances que son fonctionnement offre en matière d'emploi, répondre aux besoins et aux intérêts, et refléter la condition et les aspirations, des hommes, des femmes et des enfants canadiens, notamment l'égalité sur le plan des droits, la dualité linguistique et le caractère multiculturel et multiracial de la société canadienne ainsi que la place particulière qu'y occupent les peuples autochtones.»

Modifications apportées à la Loi sur les Indiens

21. Dans ses neuvième et dixième rapports, le Canada a fait état des modifications apportées en 1985 à la *Loi sur les Indiens*, qui devaient supprimer les dispositions discriminatoires, rétablir le statut de tous les Indiens admissibles et habiliter les bandes indiennes à décider de l'appartenance à leurs effectifs. Comme les représentants du Canada l'ont déjà expliqué au Comité, une étude majeure sur les effets du projet de loi C-31 a été effectuée par le ministère des Affaires indiennes et du Nord, en collaboration avec des regroupements nationaux d'autochtones. Le rapport faisant suite à cette évaluation a été déposé en décembre 1990. Voici quelques-unes des constatations qu'il contient :

- plus de 73 000 personnes ont acquis le statut d'Indien grâce au projet de loi C-31; ces personnes sont dorénavant admissibles aux droits et avantages que ce statut entraîne;
- la majorité sont des femmes, et 90 p. 100 de ceux qui se sont inscrits vivaient hors réserve. Le nombre de personnes inscrites en vertu de C-31 qui se sont installées dans les réserves est relativement faible. En effet, le nombre déclaré par plus de 80 p. 100 des bandes est de 15 personnes ou moins.
- depuis 1985, les dépenses de programme engagées au titre des personnes inscrites s'élèvent à 338 millions de dollars, dont la majeure partie a servi aux soins de santé, au logement et à l'enseignement postsecondaire;

conformer peut entraîner pour lui des sanctions, y compris, à terme, l'exclusion de son entreprise des transactions du gouvernement.

#### Portée du PCF

14. À ce jour, 1 358 employés, représentant environ 1 090 000 employés, ont remis un certificat d'engagement au Programme de contrats fédéraux. Plus de 715 d'entre eux (regroupant quelque 904 000 employés) ont obtenu des contrats, ce qui les rend admissibles à un examen de conformité. Les vérificateurs de la conformité en sont à diverses étapes de leurs enquêtes chez 205 employeurs, tandis que 250 ont subi une étude avec succès. Parmi ces derniers, treize font actuellement l'objet d'un examen de suivi, et neuf autres ont franchi cette étape.

#### La Loi sur le multiculturalisme canadien

15. Le gouvernement du Canada a pris plusieurs autres mesures positives pour éliminer la discrimination raciale. La *Loi sur le multiculturalisme canadien* a été adoptée à l'unanimité par les deux chambres du Parlement en juillet 1988 et est entrée en vigueur le 21 juillet 1988. Ce texte législatif engage le gouvernement du Canada à mettre en oeuvre une politique du multiculturalisme dynamique qui fait de la diversité du pays, ainsi que des défis et des possibilités que cette diversité engendre, une partie intégrante du processus d'édification de la nation. Les premier et deuxième rapports annuels concernant l'application de la Loi sur le multiculturalisme canadien ont été déposés devant le Parlement en février 1990 et février 1991.

#### Création d'un nouveau ministère du Multiculturalisme et de la Citoyenneté

16. Le projet de loi portant création du ministère du Multiculturalisme et de la Citoyenneté est entré en vigueur le 21 avril 1991. L'objectif premier du nouveau ministère est de favoriser, pour tous les Canadiens, la réalisation entière et complète de leur citoyenneté. Ses programmes cherchent à supprimer les obstacles qui divisent les Canadiens et qui empêchent certains d'exercer leurs droits et responsabilités - des obstacles comme le racisme, l'analphabétisme, les problèmes d'intégration et l'irrespect à l'égard des droits des autres.

17. Chacun de ces programmes vise à créer un climat où tous les Canadiens pourront s'épanouir dans un sentiment d'égalité; où ils pourront vivre et travailler ensemble, quels que soient leurs antécédents; où chaque citoyen sera traité de la même façon et pourra apporter une contribution proportionnée à ses moyens - à l'avantage à la fois des particuliers et de la collectivité canadienne.

18. La Direction des droits de la personne, par exemple, aide des organismes non gouvernementaux à informer le public sur les droits fondamentaux et à sensibiliser les gens aux dispositions de la *Charte canadienne des droits et libertés*. Les programmes du multiculturalisme visent l'égalité pour les Canadiens de toutes origines.

8. Deux examens conjoints ont été menés à terme récemment. Les parties ont signé des ententes qui comprennent des plans d'équité en matière d'emploi négociés, dont la réalisation sera surveillée par la Commission.

9. En 1986, 6,3 pour cent des Canadiens faisaient partie de groupes minoritaires visibles. Le tableau qui suit indique la représentation des minorités visibles en termes d'emplois permanents à plein temps dans la main d'oeuvre, tel que visés par la Loi sur l'équité en matière d'emploi, entre 1987 et 1989.

#### Représentation des minorités visibles effectifs à plein temps visés par la Loi sur l'équité en matière d'emploi

1987	1988	1989
5 %	5,6 %	6,68 %

10. En 1986, 1,5 des Canadiens faisaient partie des peuples autochtones. Le tableau qui suit indique la représentation des autochtones en termes d'emplois permanents à plein temps dans la main d'oeuvre, tel que visés par la Loi sur l'équité en matière d'emploi.

#### Représentation des autochtones - Emplois permanents à plein temps dans la main-d'oeuvre visés par la Loi sur l'équité en matière d'emploi

1987	1988	1989
0,66 %	0,71 %	0,79 %

#### Programme de contrats fédéraux (PCF)

11. Le Programme de contrats fédéraux (PCF), en vigueur depuis le 1<sup>er</sup> octobre 1986, est né d'une décision du Cabinet concernant les marchés de l'Etat. Son objectif est de veiller à ce que les entrepreneurs qui traitent avec le gouvernement du Canada acquièrent et maintiennent une main-d'oeuvre équitable et représentative. Le Programme exige que les employeurs dont le nombre d'employés équivalait à 100 employés ou plus, et qui soumissionnent et obtiennent des marchés de biens ou de services d'une valeur de 200 000 \$ ou plus, appliquent onze critères relatifs à l'équité en matière d'emploi.

12. Ces critères supposent la définition et la suppression des obstacles artificiels qui s'opposent à la sélection, à l'embauchage, à l'avancement et à la formation des femmes, des autochtones, des personnes handicapées et des membres des minorités visibles. Les entrepreneurs doivent aussi prendre des mesures pour améliorer la situation d'emploi des groupes désignés en accroissant leur présence à tous les paliers de l'entreprise.

13. Des études de conformité sont effectuées pour vérifier si les entrepreneurs respectent leur engagement. Dans les cas où ni les résultats ni l'effort déployé ne sont jugés satisfaisants, l'employeur est considéré comme en contravention. Le défaut de se

## DEUXIÈME PARTIE : MESURES ADOPTÉES PAR LE GOUVERNEMENT DU CANADA

### Mesures de réglementation

#### Équité en matière d'emploi

5. Le 27 juin 1986, le gouvernement a donné effet à la *Loi sur l'équité en matière d'emploi*, qui s'applique aux employeurs privés et aux sociétés de la Couronne régis par le gouvernement fédéral qui emploient cent employés ou plus. Cette loi, qui devait corriger la sous-représentation chronique, dans la main-d'œuvre canadienne, de quatre groupes désignés (les femmes, les minorités visibles, les autochtones et les personnes handicapées), partait du principe qu'il est essentiel de repérer et de supprimer les obstacles inhérents aux structures et aux mentalités, qui empêchent depuis toujours les membres des groupes désignés d'occuper leur juste place dans la population active. L'objectif de la Loi est donc de créer un milieu de travail égalitaire et d'annuler les effets des discriminations passées. Pour atteindre ce but, la Loi exige des employeurs qu'ils fassent rapport publiquement sur la représentation des quatre groupes au sein de leurs effectifs, qu'ils repèrent et suppriment les obstacles à l'emploi pour les membres de ces groupes, qu'ils élaborent et appliquent des plans d'équité en matière d'emploi comportant des objectifs et des calendriers et qu'ils en arrivent à une main-d'œuvre représentative. La Loi s'applique à environ 630 000 employés et à quelque 370 entreprises.

6. Même si la Commission n'a pas la responsabilité directe de l'application de la *Loi sur l'équité en matière d'emploi*, dès le mois de juin 1988, elle a entamé des procédures afin de mettre la *Loi canadienne sur les droits de la personne* au service des objectifs clairement visés de l'équité en matière d'emploi. En bref, ces procédures sont les suivantes :

- la CCDP invite les employeurs, dont les chiffres relatifs à la représentation semblent révéler des problèmes au chapitre de l'équité, à mener un examen conjoint de leurs régimes d'emploi;
- si les circonstances le justifient et que l'employeur refuse de participer à un examen conjoint, la Commission se prévaut du pouvoir dont elle est investie en vertu de sa propre Loi et prend l'initiative de porter plainte; et

- elle instruit toute plainte apparemment sérieuse émanant d'une tierce partie et s'appuyant sur les données relatives à la représentation fournie par les employeurs.
7. Actuellement, la section de l'équité en matière d'emploi de la Commission mène 17 examens conjoints et instruit 69 plaintes. Ces travaux concernent quelque 600 000 personnes, soit 71,5 p. 100 des effectifs visés par la *Loi sur l'équité en matière d'emploi* et par les programmes d'équité en matière d'emploi du Conseil du Trésor.

## INTRODUCTION

1. Le présent rapport provisoire est le onzième que le Canada présente aux termes de la *Convention internationale sur l'élimination de toutes les formes de discrimination raciale*. Ce rapport couvre la période de janvier 1990 à décembre 1991.

2. Le Canada est un état fédéral comprenant dix provinces (Alberta, Colombie-Britannique, Manitoba, Nouveau-Brunswick, Terre-Neuve, Nouvelle-Ecosse, Ontario, Île-du-Prince-Édouard, Québec et Saskatchewan) et deux territoires (Territoires du Nord-Ouest et Yukon). Bien que la ratification des traités internationaux soit la prérogative du gouvernement du Canada, l'application des traités nécessite la participation active des gouvernements à qui est dévolue la compétence relative aux questions visées. Au Canada, les questions visées par la *Convention internationale sur l'élimination de toutes les formes de discrimination raciale* sont du ressort du gouvernement du Canada, des gouvernements provinciaux et, à la suite d'une délégation de pouvoir par le Parlement du Canada, des administrations territoriales.

3. Les rapports précédents renfermaient des renseignements détaillés au sujet des mesures adoptées par tous les gouvernements. Le présent rapport constitue une mise à jour du dixième rapport présenté en janvier 1990. Il renferme des renseignements sur les mesures adoptées par le gouvernement du Canada, les gouvernements provinciaux et les administrations territoriales; ces renseignements tiennent compte des commentaires qu'ont formulés les membres du Comité pour l'élimination de la discrimination raciale lorsqu'ils ont examiné les rapports précédents et de leurs demandes de renseignements supplémentaires.

## PREMIÈRE PARTIE : GÉNÉRALITÉS

4. Au cours de la dernière décennie, le Canada a accepté un nombre considérable d'immigrants de presque toutes les origines, couleurs et traditions religieuses et culturelles. C'est ce qui explique l'existence d'une véritable société multiculturelle qui, dans l'avenir, sera encore plus diversifiée au fur et à mesure que le Canada continuera à respecter ses obligations liées à la réunification des familles et à l'établissement des réfugiés. Dans ce contexte, les questions touchant les relations interraciales et la compréhension interculturelle sont devenues encore plus importantes. Il a adopté et appliqué des lois et règlements visant à empêcher la discrimination systémique et le racisme à l'endroit de groupes identifiables et à promouvoir une attitude de compréhension et de respect mutuel. Le gouvernement de plus, souligne les mesures positives qui contribuent à créer un environnement qui favorise l'harmonie et la compréhension inter-culturelle.



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## AVANT-PROPOS

Le présent rapport a été préparé pour soumission aux Nations-Unies en 1992. Le texte de la Convention même est présenté en annexe à titre documentaire.

C'est dans le cadre du programme permanent de sensibilisation aux droits de la personne de Multiculturalisme et Citoyenneté Canada que le rapport est publié au pays. Il est mis à la disposition des canadiens et canadiennes afin de leur fournir la possibilité d'approfondir leur connaissance des obligations contractées par le Canada suite à sa ratification de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, de les sensibiliser aux politiques et aux programmes adoptés par leurs gouvernements pour mettre en oeuvre les dispositions de la Convention, et d'obtenir leur appui et leur collaboration quant aux efforts déployés par le Canada pour éliminer le racisme et la discrimination raciale.

Suivant le vœu du Comité des Nations-Unies, ce rapport est une mise à jour du dixième rapport présenté en janvier 1990. Le lecteur intéressé devrait, en parcourant ce rapport, se référer aussi aux rapports précédents s'il veut se renseigner sur l'évolution complète de la mise en oeuvre de la Convention au Canada.

On peut se procurer ces rapports gratuitement, dans les deux langues officielles, auprès de la Direction des communications ou de la Direction des droits de la personne de Multiculturalisme et Citoyenneté Canada. Des exemplaires des rapports précédents sont aussi disponibles auprès de la Direction des droits de la personne.

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# CONVENTION INTERNATIONALE SUR L'ÉLIMINATION DE TOUTES LES FORMES DE DISCRIMINATION RACIALE

## ONZIÈME RAPPORT DU CANADA

couvrant la période de  
janvier 1990 à  
décembre 1991







